

55

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-84)

AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)
RDB #1294-44

| | | | | |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
| | | 95-0501-03C | 94-1228-01E | 94-1114-01S |

For use by Office of Administrative Law (OAL) only

1995 MAY -1 PM 4:58

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING
AND PUBLICATIONJUN 8 1995
REGULATIONS

NOTICE

FILED
In the office of the Secretary of State
of the State of California

JUN -8 1995

At 4:20 O'clock P.M.
BILL JONES, Secretary of StateBy Roberta Comick
Deputy

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|---|--|--------------------------|---------------------------------------|--|----------------------------|
| 1. TOPIC OF NOTICE Adoption Service Provider Registration | | TITLE(S) Title 22&MPP | | 2. REQUESTED PUBLICATION DATE 35094.1 | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 94-1114-01S | | PUBLICATION DATE 8-5-94 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|------------------------------|--------------------------------|
| TITLE(S) Title 22 and MPP | ADOPT |
| SECTIONS AFFECTED | AMEND Section 35094.1(a)(3) |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☒ Resubmittal *per agency request 2/6/95* ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

February 10, 1995 to 5:00p.m. February 27, 1995

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank R. Vitulli, Chief, Office of Regulations Development

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

5-1-95

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 35094.1 to read:

35094.1 ADOPTION SERVICE PROVIDER REGISTRATION AND DUTY OF CARE 35094.1

(a) (Continued)

(1) (Continued)

(2) (Continued)

(3) No individual shall be registered unless he or she possesses the required license and experience.

(A) If an individual has been registered and the department subsequently determines that he or she in fact lacks the required license and/or experience, registration of the individual shall be terminated.

(1) Prior to terminating the registration of an individual adoption service provider, the department shall mail the adoption service provider a written notice of termination and the reason(s) for the termination.

(B) The department shall not terminate the registration if, within fifteen working days after the department mails the notice, the adoption service provider mails a written response providing additional information verifying that the license and/or experience meets the requirements in Section 35094.1(a).

(C) If the additional information provided by the adoption service provider does not meet the license and/or experience requirements in Section 35094.1(a), the department shall terminate the registration.

(b) (Continued)

(1) (Reserved)

(c) (Reserved)

Authority Cited: Section 8621, Family Code; and Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 8502 and 8801.7, Family Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

(See instructions on reverse)

original
For use by Secretary of State onlyOAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

AGENCY FILE NUMBER (If any)

0794-23

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1995 APR 27 11:10:35

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
AND PUBLICATION

JUN 9 1995

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

JUN 9 1995

At 3:17 O'clock P.M.

BILL JONES, Secretary of State

By *Conita Comick*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|--|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Division 89, Demonstration Projects Renumbering | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) | ADOPT |
| SECTIONS AFFECTED | AMEND 89-102, 89-300, 89-301, 89-400, 89-402, 89-500, 89-501, 89-502, 89-503, and 89-504 REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

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☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

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☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank R. Vitulli, Chief, Office of Regulations Development

TELEPHONE NUMBER

(916) 651-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

April 26, 1995

NOTICE PUBLICATION/REGULATIONS SUBMISSION

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Amend Sections 40-015.11 and .211 to read:

40-015 IMPLEMENTATION OF REGULATIONS PURSUANT TO 40-015
SENATE BILL 485, CHAPTER 722, STATUTES OF 1992
AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5,
STATUTES OF 1991, CHAPTER 97

.1 Sections Implemented (Continued)

| | | |
|-----|------------------------|---|
| .11 | 89-100 | Assistance Payments Demonstration Project (APDP) and California Work Pays <u>Demonstration Project (CWDP)</u> |
| | 89-10 2 1 | Federal Demonstration Projects - Introduction |
| | 89-100 | Work Incentives |
| | 89- 101 105 | <u>Elimination of Time Limitations for 30 and 1/3 Earned Income Disregard and Elimination of the 100-Hour Limit</u> |
| | 89-100 | Aid Payments |
| | 89- 101 110 | <u>Maximum Aid Payment (MAP) Level and MAP Restriction</u> |

.2 Effective Dates (Continued)

.21 Section The specified effective date is:

.211 Relocation Section 89-~~101~~110.4 pertaining to the
Family Grant Relocation Family Grant (RFG) shall only apply
to all applicants as of December 1, 1992.
However, in accordance with the Green v.
Anderson court order, this provision shall not
be implemented until a determination by a court
of appropriate jurisdiction allows such
implementation.

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11201.5, 11450.01, and 11450.03, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993.

40-019

(Continued)

44-111

44-115.3

44-207.113 (a)

44-207.322

44-315.3

44-402.1

80-301r. (1) (A)

89-~~307~~105.1

89-~~402~~110.1

MAP Amount

(Continued)

Reference: Sections 11255 and 11450.015, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Amend Sections 40-020.1 and .7 to read:

40-020 IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE
 PROGRAM (CAAP)

40-020

.1 The adoption of Chapter 89-700 and the amendment of Sections 40-131.3, 40-181.2, 44-111.3, 44-207.322, and 89-1021, which implement the California Alternative Assistance Program (CAAP) shall be effective May 1, 1994. Counties are required to meet the CAAP informing requirements at application and redetermination of eligibility for applicants and recipients subject to the California Work Pays Demonstration Project (CWPDP) beginning May 1, 1994.

.2 through .6 (Continued)

.7 Section 89-1021 is amended to require that CAAP be included in the CWPDP provisions of ~~Section~~ Chapter 89-700 et seq. The county shall apply these provisions to those applicants and recipients who are designated as members of the Project's control and experimental groups.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11280, Welfare and Institutions Code; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Sections 40-022.11 and .12 to read:

| | | |
|--------|--|--------|
| 40-022 | IMPLEMENTATION OF REGULATIONS FOR THE INCREASED PROPERTY LIMITS AND RESTRICTED ACCOUNTS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 AND SENATE BILL 1078, CHAPTER 1252, STATUTES OF 1993 FOR THE CALIFORNIA WORK PAYS DEMONSTRATION PROJECT | 40-022 |
|--------|--|--------|

.1 Sections Implemented (Continued)

| | | |
|----------------------|------------------------------|--|
| .11 Sections Adopted | 89- §§ <u>115</u> | Increased Property Limits for Recipients |
| | 89- §§ <u>120</u> | \$2,000 Property Limit for Recipients |
| | 89- §§ <u>125</u> | Increased Motor Vehicle Limit for Recipients |
| | 89- §§ <u>130</u> | Restricted Accounts for Recipients |
| .12 Sections Amended | 42-207 | Property Which May Be Retained by An Applicant or Recipient |
| | 42-213 | Property Items to Be Excluded in Evaluating Property Which May Be Retained |
| | 44-352 | Overpayment Recoupment |
| | 80-301 | Definitions |
| | 89-10 <u>71</u> | Federal Demonstration Projects - Introduction |

.2 Effective Date (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11155.1 and 11155.2, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Modify Section 41-440 (Handbook) to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM

41-440

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

HANDBOOK BEGINS HERE

See Section 89-~~101~~105.2 on the exemption from the 100-hour limit specified in this section for those recipients subject to the Assistance Payments Demonstration Project specified in Division 89. The county shall continue to apply the 100-hour limit to all AFDC-U applicants.

HANDBOOK ENDS HERE

.1 (Continued)

Authority Cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201.5, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); and Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Modify Section (Handbook) 42-207.2 to read:

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT

42-207

.1 (Continued)

HANDBOOK BEGINS HERE

- .2 See Sections 89-~~§§~~1115 and 89-~~§§~~1120 for the \$2,000 property limit which applies to AFDC FG/U recipients who are subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Modify Sections 42-213.123(b)(1)(A), .125(a), and .2z.(1) (Handbook) to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY
WHICH MAY BE RETAINED

42-213

.1 Real Property to Be Excluded (Continued)

.12 (Continued)

.123 (Continued)

(a) (Continued)

(b) (Continued)

(1) (Continued)

HANDBOOK BEGINS HERE

- (A) See Section 89-~~§§~~1115 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project as specified in Division 89.

HANDBOOK ENDS HERE

.124 (Continued)

.125 (Continued)

HANDBOOK BEGINS HERE

- (a) See Sections 89-~~§§~~1115 and 89-~~§§~~1120 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

.126 (Continued)

.2 Personal Property to Be Excluded (Continued)

a. through y. (Continued)

z. (Continued)

HANDBOOK BEGINS HERE

- (1) See Sections 89-~~§§~~1115, 89-~~§§~~1120 and 89-~~§§~~1125 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.

HANDBOOK ENDS HERE

aa. (Continued)

.3 through .5 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, 11155.5, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B) and (a)(4)(ii); Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Amend Section 44-115.311(b) to read:

44-115 EVALUATION OF INCOME IN-KIND (Continued)

44-115

.3 In-Kind Income Values

.31 (Continued)

.311 (Continued)

(b) Below are the In-Kind Tables for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-10~~2~~1.2). (Continued)

.32 (Continued)

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions code.

Reference: Sections 11450, 11450.015, 11452 and 11453, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Modify Sections 44-207.113(b) and .322 (Handbook) to read:

44-207 INCOME ELIGIBILITY

44-207

.1 General (Continued)

.11 Minimum Basic Standard of Adequate Care (MBSAC) (Continued)

.113 (Continued)

HANDBOOK BEGINS HERE

(a) (Continued)

- (b) Below are the 185% of MBSAC amounts for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-10~~2~~1.2). (Continued)

HANDBOOK ENDS HERE

.12 (Continued)

.3 Financial Eligibility (Continued)

.32 (Continued)

.322 (Continued)

HANDBOOK BEGINS HERE

*See Section 89-~~307~~105.1 for elimination of the 4-month time limit for the \$30 and 1/3 earned income disregards and elimination of the additional 8-month limit for the \$30 earned income disregard. This will apply to those recipients who are subject to the Assistance Payments Demonstration Project as specified in Division 89. (Continued)

HANDBOOK ENDS HERE

.33 (Continued)

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11255, and 11280, Welfare and Institutions Code; 45 CFR 233.20(a)(2)(xiii) and (3)(vi)(B) and (xiv); and Darces v. Woods, 35 Cal. 3d 871; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgement; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Modify Section 44-315.311(b) (Handbook) to read:

44-315 AMOUNT OF AID (Continued)

44-315

.3 Amount of Grant (Continued)

.31 MBSAC (Continued)

.311 MBSAC and MAP Levels (Continued)

HANDBOOK BEGINS HERE

(a) (Continued)

(b) NOTE: Below are the MBSAC and MAP amounts for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-10~~2~~1.2). (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11209, 11450, 11450(g), and 11453, Welfare and Institutions Code.

Reference: Sections 11017, 11450, 11450.01, 11450.015, 11450.03, 11452, and 11453, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Modify Section 44-352.115(a) (Handbook) to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

.1 Calculation of the Overpayment (Continued)

.11 (Continued)

.115 (Continued)

HANDBOOK BEGINS HERE

- (a) See Section 89-~~50~~1115 for the higher property and motor vehicle limits for those recipients subject to the California Work Pays Demonstration Project, as specified in Division 89.
- (b) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11155, 11155.1, 11155.2, 11257, 11450, 11452, and 11453, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B) and (a)(3)I(a)(13)(i)(A)(2); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Modify Section 44-402.12 (Handbook) to read:

44-402 COMPUTATION OF A REDUCED INCOME SUPPLEMENTAL PAYMENT

44-402

.1 (Continued)

HANDBOOK BEGINS HERE

.11 (Continued)

.12 Below are the 80% of MAP amounts for recipients designated as APDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-10~~7~~1.2). (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 11017, 11255, 11450, 11450.015, and 11450.2, Welfare and Institutions Code; 45 CFR 237.27; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Adopt Division 89 title and renumber Section 89-102 to Section 89-101 to read:

DIVISION 89 DEMONSTRATION PROJECTS

CHAPTER 89-100 ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (APDP)
AND CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP)

89-10~~2~~1 FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION
(Continued)

89-10~~2~~1

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare
and Institutions Code.

Reference: Sections 11155.1, 11155.2, 11201.5, 11280, 11450.01, and
11450.03, Welfare and Institutions Code; 45 CFR
233.20(a)(3)(i)(B); Federal Terms and Conditions for the
California Assistance Payments Demonstration Project as
approved by the United States Department of Health and Human
Services on October 30, 1992; and Federal Terms and
Conditions for the California Work Pays Demonstration Project
as approved by the United States Department of Health and
Human Services on March 9, 1994.

Repeal Chapter 89-300 title and renumber Section 89-301 to Section 89-105 to read:

~~CHAPTER 89-300 WORK INCENTIVES~~

~~89-301~~105 ELIMINATION OF TIME LIMITATIONS FOR 30 AND 1/3
EARNED INCOME DISREGARD AND ELIMINATION OF THE
100-HOUR LIMIT (Continued)

~~89-301~~105

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11201.5, 11255, and 11450.015, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Repeal Chapter 89-400 title; renumber Section 89-402 to Section 89-110; and amend Section 89-110.412 to read:

~~CHAPTER 89-400 AID PAYMENTS~~

89-~~402~~110 MAXIMUM AID PAYMENT (MAP) LEVAL AND MAP RESTRICTION
(Continued)

89-~~402~~110

.4 Relocation Family Grant (Continued)

.41 (Continued)

.412 Other State MAP The MAP amount of the previous state or U.S.
Territory of residence, plus California special
needs when included in Section 89-~~402~~110.411.
(Continued)

Authority Cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and
Institutions Code.

Reference: Sections 11450.01, 11450.015, and 11450.03, Welfare and
Institutions Code; and Federal Terms and Conditions for the
California Assistance Payments Demonstration Project as
approved by the United States Department of Health and Human
Services on October 30, 1992; and Memorandum of Decision and
Order in Green v. Anderson, (Civ. S-92-2118) dated January 8,
1993.

Repeal Chapter 89-500 title; renumber Section 89-501 to Section 89-115; and amend Sections 89-115.11, .12, .13, and .2 to read:

~~CHAPTER 89-500 PROPERTY LIMITS FOR RECIPIENTS UNDER THE CALIFORNIA WORK PAYS
DEMONSTRATION PROJECT~~

~~89-500~~115 INCREASED PROPERTY LIMITS FOR RECIPIENTS

~~89-500~~115

.1 General

(Continued)

- .11 \$2,000 Property Limit \$2,000 for property as specified in Section 89-
~~500~~120,
- .12 \$4,500 Motor Vehicle \$4,500 for one motor vehicle as specified in
Section 89-~~500~~125, and
- .13 \$5,000 Restricted Account \$5,000 for restricted accounts as specified in
Section 89-~~500~~130.

- .2 Excess Property Discovered When an application has been approved and the
county subsequently discovers that the AU's
property exceeded the \$1,000 property limit on
the date of approval, the county shall not apply
any of the increased property limits specified
in Section 89-~~500~~115.1 until the first day of
the month following the date the AU's property
is at or below the \$1,000 property limit for
applicants. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, and 11257,
Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and
the Federal Terms and Conditions for the California Work Pays
Demonstration Project as approved by the United States
Department of Health and Human Services on March 9, 1994.

Renumber Section 89-502 to Section 89-120 and amend Section 89-120.1 to read:

89-~~§§~~120 \$2,000 PROPERTY LIMIT FOR RECIPIENTS

89-~~§§~~120

.1 General

When an AU includes a recipient, the county shall apply a \$2,000 limit to the net market value of the AU's countable property without regard to the \$5,000 restricted account specified in Section 89-~~§§~~130. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Renumber Section 89-503 to Section 89-125 and amend Section 89-125.11 to read:

89-~~503~~125 INCREASED MOTOR VEHICLE LIMIT FOR RECIPIENTS

89-~~503~~125

.1 General

(Continued)

.11 Vehicle Over \$4,500

When the vehicle's net market value exceeds the \$4,500 limit, the excess value shall be included in the \$2,000 property limit specified in Section 89-~~503~~120. See Section 42-215.4 for determining the value of a motor vehicle.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

Renumber Section 89-504 to Section 89-130 and amend to read:

89-~~504~~130 RESTRICTED ACCOUNTS FOR RECIPIENTS

89-~~504~~130

- (a) General (Continued)
 - (1) Additional Funds The funds shall be in addition to the \$2,000 property limit specified in Section 89-~~504~~120.
- (b) Written Agreement Before an account can be designated as "restricted," the caretaker relative shall sign an agreement with the county welfare department which sets forth the requirements, restrictions and penalties specified in Section 89-~~504~~130.
(Continued)
- (f) Interest Exemption (Continued)
 - (2) (Continued)
 - (A) Failure to deposit the interest within 30 calendar days shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists for exceeding the 30-day limit as specified in Section 89-~~504~~130(j).
- (g) Qualifying Withdrawal (Continued)
 - (4) (Continued)
 - (1) Failure to timely redeposit the funds shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists as specified in Section 89-~~504~~130(j).
(Continued)
- (i) Nonqualifying Withdrawal Except as specified in Section 89-~~504~~130(p)(1), the county shall determine that a nonqualifying withdrawal has occurred when:
 - (1) Noncooperation the AU fails to expend funds or to provide verification of a withdrawal or expenditure within the required time limit unless good cause, as specified in Section 89-~~504~~130(j), exists for exceeding the time limit; (Continued)
- (j) Good Cause The county shall determine that good cause exists for exceeding the time limits specified at Sections 89-~~504~~130(f)(2), (g), and (h) when any of the following situations exist.
(Continued)

(n) Shortening the Period
of Ineligibility

(Continued)

(2) (Continued)

(B)

Identify the original MBSAC plus any special needs allocated to the ineligible family unit and multiply it by the number of ineligible months prior to the increase. Subtract the total from the amount in Section 89-~~§§4130~~(n)(2)(A).

(C)

Divide the result calculated in Section 89-~~§§4130~~(n)(2)(B) by the increased standard of need. Round down the result to the nearest whole number.

(D)

The revised period of ineligibility is the final result in Section 89-~~§§4130~~(n)(2)(C) plus the number of ineligible months prior to the increase. (Continued)

(q) Termination of the
Written Agreement

(Continued)

(3)

the AU does not provide timely verification of the account information as specified in Section 89-~~§§4130~~(c); or (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, and 11155.2, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

NOTICE OF PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on reverse)

Original
For use by Secretary of State only

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (if any)

1194-33

OAL FILE
NUMBERS

NOTICE FILE NUMBER

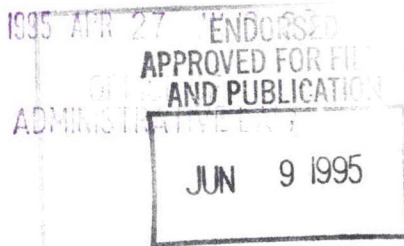
REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

95-0427-02M

For use by Office of Administrative Law (OAL) only



Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

JUN 9 1995

At 3:17 O'clock P.M.
BILL JONES, Secretary of StateBy *Debra L. Conick*
Deputy Secretary

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|--|--|--------------------------|------------------------|-------------------------------|--|
| 1. TOPIC OF NOTICE Repeal of Obsolete Sections | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|--|
| 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related) | |
| TITLE(S) MPP | ADOPT |
| SECTIONS AFFECTED | AMEND |
| | REPEAL |
| | 50-015, 50-016, 50-017, 50-019, and 50-020 |
| 2. TYPE OF FILING | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346) <input type="checkbox"/> Resubmittal <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) <input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above. <input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify) _____ | |
| 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) | |
| 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2) | |
| <input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> Effective other (Specify) _____ | |
| 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY | |
| <input type="checkbox"/> Department of Finance (Form STD. 399) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____ | |

| | |
|---|------------------------------------|
| 6. CONTACT PERSON Frank R. Vitulli, Chief, Office of Regulations Development | TELEPHONE NUMBER (916) 657-2586 |
|---|------------------------------------|

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|------------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Eloise Anderson</i> | DATE April 26, 1995 |
| TYPED NAME AND TITLE OF SIGNATORY Eloise Anderson, Director | |

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

50-015 GRIMESSEY v/ McMAHON RETROACTIVE COURT CASE

50-015

HANDBOOK BEGINS HERE

11 Background

The Grimessey v/ McMahon lawsuit challenged the State Department of Social Services (hereinafter referred to as "SDSS") authority to deem the income of senior parents to 18-year-old minor parents living at home and not attending school. On June 24, 1988 the United States District Court for the Northern District of California issued an injunction prohibiting SDSS from further implementation of MPP 44-13317 (Senior Parent Deeming) and from recovering overpayments due to failure to consider senior parent income for members of the class. The court also ordered SDSS to confer with plaintiffs' attorneys for the purpose of developing procedures to provide retroactive benefits to class members. On December 22, 1988 the order for retroactive benefits was issued and the provisions of that order are set forth in the following regulations.

HANDBOOK ENDS HERE

12 Definitions

For the purposes of these regulations:

- (a) "Class Member" or "Minor Parent" means an otherwise cash-aid-eligible 18-year-old person who was pregnant or was living with his/her child and was also living with a senior parent and was not meeting the school attendance requirements of Section 42-10112, and who had his/her cash aid reduced, denied, or terminated during the retroactive period due to the income of the senior parent.
- (b) "Senior Parent" means the natural or adoptive parent, or legal guardian of a minor parent.
- (c) "Claim Form" means that portion of the SDSS designed informing/claiming notice which must be completed, signed, and returned to the appropriate county welfare department for determination of a claimant's eligibility for retroactive benefits.
- (d) "Supplemental Claim Form" means that SDSS designed claiming document which is to be mailed to and used by the claimant when the claimant's case record is not available, or the information contained in the claimant's case record is not sufficient to permit the determination of eligibility for retroactive benefits.
- (e) "Retroactive Period" means the period of time between January 18, 1988 and June 23, 1988.

12) The following forms are available pursuant to these regulations, and are identified by form number as follows:

Informing/Claiming Notice and Claim Form (state mailed) TEMP 1894A

Informing/Claiming Notice and Claim Form (county mailed) TEMP 1894A

Supplemental Claim Form TEMP 1894B

13 Informing Potentially Eligible Persons of the Availability of Retroactive Benefits

HANDBOOK BEGINS HERE

131 In order to notify potentially eligible persons SPSB shall:

1311 On or before April 1, 1987, send by first class mail an informing/claiming notice printed in both English and Spanish to all persons who were 18 years of age and who received AFDC-linked Medical benefits between January 1, 1983 and August 31, 1986.

1312 Issue posters printed in both English and Spanish informing the general public of the availability of benefits. The posters shall contain the same language as the informing/claiming notice.

131 These posters shall be provided to the Employment Development Department, Social Security Offices, and County Welfare Departments (hereinafter referred to as CWDs), for posting throughout the State of California from April 1, 1987 through June 30, 1987. Additional posters will be made available for posting in all legal aid offices in the state.

1313 Provide CWDs with reproducible copies of the English and Spanish informing/claiming notice.

HANDBOOK ENDS HERE

132 County Responsibilities

1321 The counties identified in Subsection 1322 below shall either identify all applications for AFDC which were denied due to Section 44-13317, or identify all applications which were denied due to excess income between January 18, 1983 and June 23, 1986, and shall mail an informing/claiming notice on or before April 1, 1987 to all such applicants.

1322 The counties responsible for identifying applicants and mailing the specified informing/claiming notice as set forth in Subsection 1321 above are: Alameda, Amador, Calaveras, Contra Costa, Fresno, Kern, Lassen, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Ventura, and Yolo.

1323 All counties shall post English and Spanish informing posters/ supplied by SSSS/ in conspicuous locations in all CWP offices from April 1/ 1987 through June 30/ 1987/

1324 All counties shall forward a supply of the English and Spanish informing posters/ supplied by SSSS/ to all Food Stamp issuance outlets within the county with instructions that the posters be displayed in conspicuous locations from April 1/ 1987 through June 30/ 1987/

1325 All counties shall reproduce a supply of the English and Spanish informing/claiming notice specified in subsection 1313 and shall give or mail such notices to anyone upon request/

1326 All counties shall designate a person who will be responsible for receiving and processing changes of address for claimants if payment of retroactive benefits is stayed pending appeal of the lawsuit/

14 Application for Retroactive Benefits

141 Claimant Responsibilities

1411 The claimant shall complete and sign/ under penalty of perjury/ the claim form/

1a) A claim form shall be considered complete when the claimant has provided a response to all the questions and has provided a name/ address/ date of birth and social security number/ SSN/ or indication that claimant has no SSN/

1412 The claimant shall submit a claim form to the CWP in each county from which cash aid was received/ or was denied/discontinued during the month(s) for which retroactive benefits are being claimed/

1413 The claim form must be submitted by June 30/ 1987/ except as provided in subsection 1414/

1a) Unless the evidence indicates otherwise/ the date the claim form is submitted shall be determined as follows/

1/ The postmark date of the envelope when the claim is mailed to the CWP/ or

2/ The date stamped on the claim form by the CWP/ when the claim is delivered in person to the CWP/ or

3/ The date the claim form was signed by the claimant/ when the date cannot be determined by either 1/ or 2/ above/

1414 The claimant shall be permitted to resubmit a previously denied claim or a portion thereof, if the claim has been denied in accordance with Subsection 1322 and the date of resubmittal is on or before July 30, 1987 or 30 days from the date of the denial for submission to the wrong CWP, whichever is later.

142 CWP Responsibilities

1421 The CWP shall stamp each claim form with the date the form was received and shall retain all envelopes that were postmarked after June 30, 1987.

1422 Claims submitted after the date specified in Subsection 1413 above shall be denied except as provided in Subsection 1414 above.

1423 The CWP shall attempt to locate a case record, including a medical case record, for the claimant.

15 CLAIMS/ Processing

151 The CWP shall review each claim form to determine whether the claimant may be a member of the class and whether claimant has provided a complete claim form pursuant to Subsection 1411.

1511 If the claimant answered "no" to any of the first five questions on the claim form, the claimant is not a member of the class and the county shall deny the claim without further review.

1512 The CWP shall review the claim form and request further information or clarification if the form is incomplete or the information is internally inconsistent.

1513 In the event the case record cannot be located or the information contained in the case record is insufficient to confirm or deny class membership as defined in Subsection 121a), the CWP shall mail a supplemental claim form to the claimant. Where the case record does contain sufficient information, complete retroactive benefits in accordance with Subsection 16 below.

1514 If the supplemental claim form is not returned to the CWP within 60 days of the date mailed to the claimant the claim shall be denied.

1a) The date the supplemental claim form is returned to the CWP is determined in accordance with Subsection 1413a) above.

1515 Claimants may be requested to supply documentation of information provided in the supplemental claim form where such documentation is actually in the claimant's possession. Where claimants do not have documentation in their possession they may be asked to sign a release of information enabling the county to obtain documentation on their behalf. Signature for the release of information and the claimant's sworn statement that the information provided is correct, will be sufficient to process a claim for retroactive benefits.

1516 Where the CWP determines, based on information in the case record or on the supplemental claim form, that the claimant was not eligible for cash aid due to excess income, excess property, or lack of a basis of deprivation for the child during all or part of the retroactive period, the claim shall be denied for those months.

1517 If the CWP determines that the claimant is not a member of the class, the CWP shall deny the claim. The CWP shall review all existing records and shall deny the claim if no record can be found that the claimant applied for or received cash aid. This provision applies only when the CWP can certify that a listing of cash aid cases (such as the AFDC payroll or warrant registry) was retained in addition to cash aid case records for the month/s claimed. In addition, this provision can be applied to claimants who were denied cash aid only when the CWP can certify that existing cash aid case records include all denials.

152 If a CWP receives a claim for any period in which the CWP can determine from the claim form or the case record that the form has been submitted to the wrong county, the CWP shall either:

1521 Forward within 15 working days from the date of receipt the claim form or a copy thereof to the correct CWP, with a copy of the Notice of Action (NOA) sent to the claimant, indicating the claim month to be processed by the second CWP, when the correct CWP can be determined by the information on the claim form or case record. In addition, the CWP shall inform the claimant on an NOA, that for the period in question, his/her claim has been forwarded to the correct CWP for processing.

(a) The date the claim form was submitted to the first CWP, as determined in subsection 1413(a), shall be considered the date of submission to the second CWP.

fort

1522 Deny that period claimed in which the correct CWP cannot be determined from the information on the claim form. The CWP shall return the claim form or a copy thereof together with the Notice of Action informing the claimant of the denial.

16 Calculation of Retroactive Benefits

When the case record contains sufficient information or when retroactive benefits are being computed upon the information contained on a supplemental claim form, the CWP shall determine the amount of the retroactive benefits as follows:

161 In the event that the information on the claim form conflicts with the information contained in the case record, the CWP shall use the information contained in the case record to determine the amount of retroactive benefits.

162 For each month of the retroactive period, determine the months in which the claimant would have been eligible if senior parent income had not been considered (see Subsection 1518Y).

163 For each month determined in Subsection 162 above, calculate the correct grant in accordance with Chapter 44-100 (Income) and Section 44-11314 (Amount of Aid) except:

1a) Senior parent income shall not be deemed to the minor parent;

1b) The value of need items contributed by the senior parent to the minor parent shall not be considered as income in-kind;

1c) If the minor parent received cash from the senior parent with instructions to use the cash to make a purchase for the entire family, including the senior parent unit, the cash shall not be considered income to the minor parent and child(ren) regardless of the nature of the expenditures;

1d) When any person including the senior parent, gave the minor parent cash which was to be used for the minor parent or child(ren) and the cash was given for a restricted purpose, the cash was not available to otherwise meet current needs and, therefore, shall not be considered income to the minor parent or child(ren);

1e) Cash which was voluntarily and regularly given to the minor parent but was not restricted as to use is considered income to the minor parent only to the extent it exceeds \$80 per calendar quarter;

164 Determine the amount of cash aid actually received by the claimant and compare it to the correct grant for each month identified in Subsection 162 above;

1a) If the cash aid received is less than the correct grant, the difference is the retroactive benefit for that month, to be paid in accordance with Subsection 17 below;

1b) If the cash aid received is more than the correct grant, an overpayment exists and shall be balanced against retroactive benefits prior to payment under Subsection 17 below;

16) If the cash aid received is the same as the correct grant/ and an overpayment was previously calculated for that month due to the deemed of senior parent income/ the overpayment shall be voided/ all recoupment activity shall cease/ and any amounts previously recouped shall be considered a retroactive benefit to be paid under subsection 17 below/

16) If the cash aid received is the same as the correct grant and no overpayment was previously calculated for that month/ claimant is not a class member and the claim shall be denied/

16) Notify claimants of the disposition of their claims within 90 days of the close of the claim period/

17 Computation of the Total Retroactive Payment

171 The CWP shall use the percentage specified in subsection 1711 to compute the amount of interest on the payable retroactive benefits for each month/

1a) Multiply the amount of the monthly retroactive benefit by the appropriate percentage for the month in which payment is authorized/ as set forth in subsection 1711 below/

HANDBOOK BEGINS HERE

Example/

Month of retroactive February 1988 = \$474.00
benefit

Interest percentage to
be paid in payment
authorization month * June 1987 = * 12411
Interest Amount = \$114.28

HANDBOOK ENDS HERE

1b) Add the amount of the monthly retroactive benefit to the interest as computed in 1a) above to determine the monthly retroactive payment/

HANDBOOK BEGINS HERE

Example/

Retroactive Benefit + Interest = Retroactive Payment
\$474 + \$114.28 = \$588.28

HANDBOOK ENDS HERE

1c) Determine the total amount of the retroactive payment by adding together the monthly payments as computed in 1b) above/

HANDBOOK BEGINS HERE

1711 TABLE FOR COMPUTING INTEREST FOR MONTHLY RETROACTIVE BENEFITS

HANDBOOK ENDS HERE

18 STATISTICAL REPORTING

181 The CWP shall submit to SSSS a statistical report no later than November 15, 1987, or 90 days from the date counties are instructed to make payment, whichever is later. The report shall contain the following information:

1a) The number of claims paid;

1b) The number of Supplemental Claim Forms sent out;

1c) The number of claims received;

1d) The total amount of money paid to reimburse class members;

1e) The number of claims paid based solely on information in the case file; and

1f) The number of claims paid based on information provided by Supplemental Claim Forms.

HANDBOOK BEGINS HERE

11 Background

The Vassen v/ Woods lawsuit challenged the authority of the State Department of Social Services (SDSS) to count income tax refunds as income available to meet current needs rather than as resources. On April 5, 1984, the California Supreme Court ordered SDSS and county welfare departments (CWDs) to treat income tax refunds as resources rather than earned income in grant determination. The final judgment ordered SDSS to provide retroactive benefits and interest to class members. On September 17, 1987 the final order was signed and the provisions of that order are set forth in the following regulations.

HANDBOOK ENDS HERE

12 Definitions

121 For the purpose of these regulations:

1211 Claim Form means that portion of the SDSS designed Informing/Claiming Notices (Temp 1706 and Temp 1706A) which must be completed, signed, and returned to the appropriate CWD for determination of a claimant's eligibility for retroactive benefits.

1212 Class Members are individuals otherwise cash aid eligible who received an income tax refund and as a result had their cash aid reduced, denied or terminated during the retroactive period.

1213 Good Cause means those situations when a claimant is suffering from a mental or physical condition which prevents the timely completion and return of forms, or when a claimant's failure to submit a timely and complete form is directly attributable to county error or when the county finds other extenuating circumstances which prevent the timely completion and return of a form.

1214 Release of Tax Information Form means the SDSS designed forms (Temp 1706C and Temp 1706D), signed by the claimant to give permission for the CWD to secure claim verification information from the Internal Revenue Service (IRS), and/or the Franchise Tax Board (FTB).

1215 Retroactive Period means the period of time between January 1, 1979 through March 31, 1980 and/or May 1, 1982 through August 31, 1982.

1210 Supplemental Claim Form (Temp 1706B) means the SPSS designed claiming document which is to be filled out by the claimant/ and used when the claimant's case record is not available or the information contained in the claimant's case record is not sufficient to permit the determination of eligibility for retroactive benefits.

13 Informing Potentially Eligible Persons of the Availability of Retroactive Benefits

HANDBOOK BEGINS HERE

131 In order to notify potentially eligible persons, SPSS shall:

1311 On or before March 1, 1988, send by first class mail an Informing/Claiming Notice (Temp 1706Y) printed in both English and Spanish, to all AFDC recipients who received an income tax refund in the periods January 1979 through March 1980 and/or May 1982 through August 1982.

1312 Issue posters (Temp 1706E) printed in both English and Spanish informing the general public of the availability of benefits.

1313 Provide CWDs with reproducible copies in English and Spanish of the Informing/Claiming Notice (Temp 1706AY), the Supplemental Claim Form (Temp 1706BY), and the FTS and IRS Release of Tax Information Forms (Temp 1706C and Temp 1706DY).

HANDBOOK ENDS HERE

132 County Responsibilities

1321 All counties shall post English and Spanish informing posters supplied by SPSS in conspicuous locations in all CWD offices from March 1, 1988 through May 31, 1988.

1322 All counties shall reproduce a supply of the Informing/Claiming Notice (Temp 1706AY) and shall give or mail such notices to anyone upon request.

1323 If more than one CWD is listed on the Claim Form (Temp 1706Y) or on the Release of Tax Information Form (Temp 1706CY), the CWD shall photocopy and forward within 15 working days all claiming documents to each CWD listed.

14 Application for Retroactive Benefits

141 Claimant Responsibilities:

1411 The claimant shall complete and sign under the penalty of perjury the Informing/Claiming Notice (Temp 1706 or Temp 1706AY).

1a) The Informing/Claiming Notice shall be considered complete when the claimant has provided a response to all the questions, and has provided a name, address, and social security number (SSN) or indication that claimant has no SSN.

1412 If sufficient claim verification information is not available in the case file, the claimant shall complete and sign under the penalty of perjury the Supplemental Claim Form (Temp 1706B) and the Release of Tax Information Forms for FTB and/or IRS Temp 1706C and Temp 1706D.

1a) The Supplemental Claim Form shall be considered complete when the claimant has provided a response to the required questions including the time period in which the income tax refund was received, the address where aid was received, and the number of people in the assistance unit.

1413 The claimant shall submit a claim form (Temp 1706 or Temp 1706A) to the CWP in the county from which AFDC cash aid was received or was denied/discourteased during the time period(s) for which retroactive benefits are being claimed.

1414 The claim form (Temp 1706 or Temp 1706A) shall be submitted by May 31, 1988.

1a) Unless the evidence indicates otherwise, the date the claim form is submitted shall be determined as follows:

11) The postmark date of the envelope when the claim is mailed to the CWP, or

12) The date stamped on the claim form by the CWP when the claim is delivered in person to the CWP, or

13) The date the claim form was signed by the claimant, when the date cannot be determined by either sections 307016/414/11 or 12.

142 CWP Responsibilities

1421 The CWP shall stamp each claim form (Temp 1706 or Temp 1706A) with the date the form was received and shall retain all envelopes that were postmarked after May 31, 1988.

1422 Claims submitted after the date specified in section 307016/414 shall be denied.

1423 The CWP shall attempt to locate a case record for the claimant.

1424 The QWP shall personally verify all signatures on the Release of Tax Information Forms (Temp 1708C and/or Temp 1708DY) by comparing the signature on the forms to a signature on a valid driver's license, identification card from the Department of Motor Vehicles, or a signed social security card, except as provided in Section 30+018/131/AY.

15 Claims/Processing

151 The QWP shall review each claim form (Temp 1708 or Temp 1708AY) to determine whether claimant may be a member of the class and whether claimant has provided a complete claim form pursuant to Section 30+018/411/AY.

1511 If the claimant answered no to any of the questions on the Information/Claiming Notice (Temp 1708AY), the claimant is not a member of the class and the QWP shall deny the claim without further review.

1512 The QWP shall review the claim form (Temp 1708 and Temp 1708AY) and request further information or clarification if the form is incomplete or the information is internally inconsistent. If the requested information is not returned to the QWP within 30 days of the date mailed to the claimant, the claim shall be denied.

1513 In the event the case record cannot be located or the information contained in the case record is insufficient to confirm or deny class membership as defined in Section 30+018/112, the QWP shall mail Release of Tax Information Forms (Temp 1708C and/or Temp 1708DY) and a Supplemental Claim Form (Temp 1708BY) to the claimant.

1a) When a Release of Tax Information Forms (Temp 1708C and/or Temp 1708DY) is required, the claimant shall provide to the county for signature verification a valid driver's license, identification card from the Department of Motor Vehicles, or a social security card which has been signed by that claimant. In the event that a verifiable signature cannot be presented in person, then a readable photocopy of the aforementioned identification may be submitted along with the Release of Tax Information Forms for review by the appropriate QWP.

1514 If the Release of Tax Information Forms (Temp 1708C and/or Temp 1708DY) and the signature verification, and/or the Supplemental Claim Form (Temp 1708BY) are not completed and returned to the QWP within 30 days of the date mailed to the claimant without good cause, the claim shall be denied.

1a) If one or more of the forms mentioned in Section 30+018/1514 is returned without the other required forms, the QWP shall send a Notice of Action (NOA) to the claimant informing him/her that he/she must return all the missing forms within 15 days or be denied.

1b) If the claimant fails to return one or more of the forms mentioned in section 501016/1314 with good cause, the claimant will be permitted up to an additional 15 days to return the documents from the date the CWP determines that good cause exists.

1c) The date the Release of Tax Information Form (Temp 1708C and Temp 1708D) and the Supplemental Claim Form (Temp 1708B) are returned to the CWP is the date of the postmark when mailed, or the date of receipt by the CWP when hand-delivered.

1515 Claimants may be requested to supply documentation where such documentation is actually in the claimant's possession. Where claimants do not have documentation in their possession, they may be asked to sign a Release of Information Form (ABCDM 228) enabling the county to obtain information on their behalf. A claim will not be denied if the claimant fails to provide documentation in his/her possession or sign the Release of Information Form.

1516 Where the case file contains insufficient information to verify a claim, the Release of Tax Information Forms (Temp 1708C and Temp 1708D) shall be mailed to the IRS and/or the FTS to obtain claim verification information.

1517 If the CWP determines that the claimant is not a member of the class, the CWP shall send an NOA and deny the claim. The CWP shall review all existing records and shall deny the claim if no record can be found that the claimant applied for or received cash aid. This provision applies only when the CWP can certify that a listing of cash aid cases (such as the AFDC payroll or warrant registry) was retained in addition to cash aid case records for the time period claimed. In addition, this provision can be applied to claimants who were denied cash aid only when the CWP can certify that existing cash aid case records include all denials.

152 If a CWP receives a claim for any period in which the CWP can determine that the form has been submitted to the wrong county, the CWP shall:

1521 Forward within 15 working days from the date of receipt, the claim form (Temp 1708 or Temp 1708A) or a copy thereof to the correct CWP with a copy of the NOA sent to the claimant, indicating the claim period to be processed by the second CWP, when the correct CWP can be determined by the information on the claim form or case record. In addition, the CWP shall inform the claimant on that same NOA that for the period in question, his/her claim has been forwarded to the correct CWP for processing.

1a) The date the claim form is submitted to the first CWP, as determined in section 501016/1414, shall be considered the date of submission to the second CWP.

1522 Where the correct QWP cannot be determined from the information in the case file or warrant registers, the QWP identified by FTB on the claim form (Temp 1706Y) or the Release of Tax Information Form (Temp 1706CY) shall be considered the correct QWP.

16 Calculation of Retroactive Benefits

161 The QWP shall determine the amount of retroactive benefits as follows:

1611 When the case record and/or warrant registers contain sufficient information to verify a claim, the amount of the retroactive benefits will be the difference between the old grant amount and the new grant amount when adjusted by combining income tax refunds as properly rather than as income.

1612 When case record information and warrant registers are insufficient to verify a claim for the first retroactive period (January 1979 through March 1980) the QWP will calculate the retroactive benefit amount(s) to be the amount of the income tax refund or the Maximum Aid Payment (MAP), whichever is less. For the second retroactive period (May 1982 through August 1982), the QWP shall calculate the retroactive benefit amount to be the amount of the income tax refund identified by IRS and/or FTB.

162 A QWP shall determine the amount of cash aid which was actually received and compare it to the corrected grant or the MAP as instructed in Section 50-016161.

1621 If the cash aid received was less than the MAP for any month in the retroactive period due to the receipt of an income tax refund, the difference between the cash aid amount received and MAP or the corrected grant amount will be the retroactive benefit for that month.

17 Computation and Delivery of Retroactive Payments

171 For claims submitted for a grant reduction, termination or denial which occurred before January 1, 1981, four calculations will be made:

1711 Determine the amount of the retroactive benefit from the information in the case file or from information supplied by the FTB and/or the IRS (see Section 50-016161).

1712 Multiply the amount of the monthly retroactive benefit by the appropriate percentage as set forth in Section 50-016179.

1713 Multiply the same retroactive benefit amount by the appropriate percentage for the month in which the payment is authorized as set forth in Section 50-0161791.

1714 Add amounts in Sections 50-0161711, 1712 and 1713 to arrive at the retroactive payment.

HANDBOOK BEGINS HERE

172 Examples

1721 For a claim submitted for a grant reduction/ termination or denial which occurred before January 1, 1981/

Amount of retroactive benefit February 1980 = \$ 300

Interest percentage to * January 1981 = * 10640
be paid for the 7% period

Interest amount = \$ 19120

Interest percentage to February 1980 = \$ 300
be paid in the payment * March 1988 = * 17248

subsequent month

Interest amount = \$ 217138

1722 Add the amount of the retroactive benefit to the interest computed above to determine the retroactive benefit payment/

Retroactive benefit + Interest + Interest = Payment
\$300/00 \$19120 \$217138 \$536138

HANDBOOK ENDS HERE

173 For claims submitted for a grant reduction/ termination or denial which occurred after January 1, 1981/ the following will be made/

1731 Determine the amount of the retroactive benefit and individual claim member's reduction for each claim of retroactive benefit eligibility/

1732 Multiply the amount of the retroactive benefit by the appropriate percentage for the month in which payment is due/ as set forth in section 30+016/1731

1733 Add amounts in section 30+016/1731 and 1732 to arrive at the retroactive benefit payment/

HANDBOOK BEGINS HERE

174 Examples

1741 For a claim submitted for a grant reduction/ termination or denial which occurred before January 1, 1981/

| | | | |
|---|--------------|---|---------|
| Month of retroactive benefit | June 1982 | ≠ | \$ 300 |
| Interest percentage to be paid in payment | | | |
| Authorized month | * March 1988 | ≠ | * 18836 |

Interest Amount ≠ \$175.08

1742 Add the amount of the monthly retroactive benefit to the interest computed above to determine the retroactive payment/

| | | | | |
|---------------------|---|----------|---|---------------------|
| Retroactive benefit | + | Interest | ≠ | Retroactive benefit |
| \$300.00 | | \$175.08 | | \$475.08 |

HANDBOOK ENDS HERE

175 If a claimant has his grant reduced/ terminated or denied due to the receipt of an income tax refund for more than the one month in the retroactive periods/ add all retroactive payments together to arrive at a total retroactive payment/

176 Retroactive benefits received shall not be used to offset an overpayment incurred before August 31, 1982/

177 Determine the total retroactive payment and send the appropriate NOA as specified by SPS within 90 days of the date the claim is received if case record information is available/ If tax record information must be requested from the FTS and/or the IRS/ an additional 30 days after the information is received by the CWP will be permitted for processing/

HANDBOOK BEGINS HERE

178 Maximum Aid Payments in the Retroactive Periods

MAXIMUM AID

| Size of FBO | 1/01/79+ 6/30/79 | 7/01/79+ 6/30/80 | 7/01/81+ 6/30/82 |
|----------------|---------------------|---------------------|---------------------|
| 1 | \$175 | \$201 | \$ 248 |
| 2 | 287 | 331 | 408 |
| 3 | 336 | 410 | 508 |
| 4 | 423 | 487 | 601 |
| 5 | 483 | 536 | 686 |
| 6 | 543 | 625 | 771 |
| 7 | 596 | 686 | 846 |
| 8 | 649 | 747 | 922 |
| 9 | 701 | 807 | 996 |
| 10 or more | 754 | 868 | 1,071 |

179 Seven Percent (7%) Interest Factor Table

January 1979 through December 1980

Retroactive Benefit

December 1980

| | |
|----------------|-------|
| January 1979 | 11400 |
| February 1979 | 11340 |
| March 1979 | 11287 |
| April 1979 | 11227 |
| May 1979 | 11170 |
| June 1979 | 11110 |
| July 1979 | 11053 |
| August 1979 | 10993 |
| September 1979 | 10934 |
| October 1979 | 10876 |
| November 1979 | 10817 |
| December 1979 | 10759 |
| January 1980 | 10700 |
| February 1980 | 10640 |
| March 1980 | 10587 |

FSSS is paying seven percent (7%) simple interest on retroactive benefits for the period prior to January 1981. The interest factors shown above provide the factor to be used in the first step of computing retroactive benefits for claims submitted for benefit months prior to January 1981.

1791 Ten Percent (10%) Interest Factor Table

January 1981 through November 1988
 Payment Authorization Month

| Reference Benefit Month | 03/88 | 04/88 | 05/88 | 06/88 | 07/88 | 08/88 | 09/88 | 10/88 | 11/88 |
|----------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Jan/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Feb/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Mar/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Apr/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| May 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| June 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| July 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Aug/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Sept/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Oct/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Nov/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Dec/ 1979 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Jan/ 1980 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Feb/ 1980 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |
| Mar/ 1980 | 17246 | 17329 | 17414 | 17498 | 17581 | 17666 | 17748 | 17833 | 17915 |

*SDSS is paying ten percent (10%) simple interest on retroactive benefits for the period after January 1981. The interest factor is shown above for each month and the factor to be used January 1981. The interest factor is shown above for each month and the factor to be used in the second year of continuous retroactive benefits for claims submitted for benefit month prior to January 1981.

1792 Ten Percent (10%) Interest Factor Table

May 1982 through November 1988
 Payment Authorization Month

| Reference Benefit Month | 03/88 | 04/88 | 05/88 | 06/88 | 07/88 | 08/88 | 09/88 | 10/88 | 11/88 |
|----------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| May 1982 | 15920 | 16003 | 16088 | 16167 | 16252 | 16337 | 16419 | 16504 | 16586 |
| June 1982 | 15836 | 15918 | 16003 | 16082 | 16167 | 16252 | 16334 | 16419 | 16501 |
| July 1982 | 15753 | 15836 | 15920 | 16000 | 16083 | 16170 | 16252 | 16337 | 16419 |
| Aug/ 1982 | 15668 | 15751 | 15836 | 15918 | 16000 | 16083 | 16167 | 16252 | 16334 |

HANDBOOK ENDS HERE

18 Statistical Reporting

The QWP shall submit to SDSS a statistical report no later than November 1, 1988 containing the following information:

(a) Number of claims received

(b) Number of claims paid

1c) Amount of the benefits paid

1d) Number of claims denied

1e) Reasons for denial

HANDBOOK BEGINS HERE

11 Background

The Rutan v/ McMahon lawsuit challenged the State Department of Social Services' (SDSS)' authority to count a lump sum received by a recipient as income available to meet current and future needs without first providing an adequate and timely explanation of the lump sum rule. On August 20, 1988, the Superior Court for Alameda County ordered SDSS and County Welfare Departments (CWDs) to inform all recipients and applicants of the lump sum rule. The final judgement ordered SDSS to provide retroactive benefits to class members. On February 19, 1988, the final order was signed and the provisions of that order are set forth in the following regulations:

HANDBOOK ENDS HERE

12 Definitions

For purposes of these regulations:

- 121 "Class members" are individuals who received a lump sum on or after June 1, 1983 and as a result had their cash aid reduced, denied or terminated at some time during the retroactive period.
- 122 "Intent to claim form" (Temp 1709, 7/88) means that portion of the intent to claim forms which must be completed, signed and returned to the appropriate CWD to initiate the claim determination process.
- 123 "Claim form" (Temp 1709A, 7/88) means the form which must be completed, signed and returned to the appropriate CWD for the determination of a claimant's eligibility for retroactive benefits.
- 124 "Retroactive period" means that period of time between June 1, 1983 and August 26, 1986.
- 125 "Good cause" means those situations when the claimant's failure to return the intent to claim form (Temp 1709, 7/88) or the claim form (Temp 1709A, 7/88) was the result of: 1) a mental or physical condition; 2) an error directly attributable to the county; or 3) other extenuating circumstances determined by the county to constitute good cause.
- 126 "Mailing CWDs" are those CWDs identified in Subsection 50-017.124 which shall mail intent to claim forms by August 1, 1988 to all potential claimants identified by either manually searching existing files or computer records, or through a specific computer generated report.

127 "Face-to-face" CWDs are those CWDs identified in sub-section 50-017/325 which shall provide intent to claim forms to all recipients at the time of annual redetermination, and to all applicants for AFDC benefits who had previously received such benefits at any time between June 1, 1983 and August 28, 1988.

128 "Informed" means that the claimant received an adequate notice of action or received the notice informing the applicants/recipients of the lump sum rule as required by the preliminary injunction in this case.

13 Informing potentially eligible persons of the availability of retroactive benefits

HANDBOOK BEGINS HERE

131 In order to notify potentially eligible persons, SVSS shall:

1311 Issue posters (Temp 1709B, 7/88) to the CWDs printed in English and Spanish with statements printed in Vietnamese, Laotian, Chinese and Cambodian. The English and Spanish on the poster will inform the general public of the availability of benefits. The statements will translate in substance as "We'll take care of you now. You may contact your worker for a translation of this notice."

1312 Provide CWDs with reproducible copies of the intent to claim form (Temp 1709, 7/88) in English and Spanish with statements in Vietnamese, Laotian, Chinese and Cambodian. The statements will translate as "We'll take care of you now. You may contact your worker for a translation of this notice."

1313 Provide the CWDs with reproducible copies of the claim form (Temp 1709A, 7/88) in English and the five standard languages.

HANDBOOK ENDS HERE

132 County Responsibilities

1321 All counties shall post the English and Spanish informational posters in conspicuous locations in all CWD offices. The posters shall be displayed from August 1, 1988 through July 31, 1989.

1a) All counties shall forward a supply of English and Spanish informational posters, supplied by SVSS, to all food stamp issuance outlets within the county with instructions that the posters be displayed in conspicuous locations from August 1, 1988 through July 31, 1989.

1323 The "Mailing" counties identified in Subsection 30-017.1324 shall identify all discontinuances and denials as a result of the receipt of lump sum income during the retroactive period through the use of computer generated reports or by manually searching through case records.

1324 The "Mailing" counties shall mail an intent to claim form on or before August 1, 1988 to all potential class members. The "Mailing" counties are:

Alameda/ Alpine/ Amador/ Contra Costa/ Del Norte/ El Dorado/ Fresno/ Kern/ Madera/ Marin/ Mendocino/ Merced/ Modoc/ Mono/ Monterey/ Nevada/ Orange/ Placer/ Plumas/ Riverside/ Sacramento/ San Bernardino/ San Francisco/ San Joaquin/ San Luis Obispo/ San Mateo/ Santa Barbara/ Santa Clara/ Santa Cruz/ Solano/ Sonoma/ Stanislaus/ Tehama/ Tulare/ Ventura/ and Yuba.

1325 The "Face-to-Face" counties shall screen all cases at the time of application and at annual redetermination for a one year period August 1, 1989 to July 31, 1990 to determine if there had been a lump sum period of ineligibility or case aid reduction during the retroactive period. The "Face-to-Face" counties are:

Butte/ Calaveras/ Colusa/ Glenn/ Humboldt/ Imperial/ Inyo/ Kings/ Lake/ Lassen/ Los Angeles/ Mariposa/ Napa/ San Benito/ San Diego/ Shasta/ Sierra/ Siskiyou/ Butte/ Trinity/ Tuolumne/ and Yolo.

1326 All counties shall reproduce an adequate supply of the English and Spanish intent to claim forms specified in Subsection 30-017.1312 and shall give or mail such notices to anyone upon request.

1327 All counties shall reproduce an adequate supply of the claim form (Form 1709A/ 7/88) in English and the five standard languages. The CWP shall give or mail such forms to anyone who has completed the intent to claim form unless it is determined from case records that the claimant is not eligible for retroactive benefits.

1328 If more than one CWP is listed on the intent to claim form, the CWP shall photocopy and forward within 15 working days all claiming documents to each CWP listed and all records in their possession which may affect the claim.

133 All counties shall designate at least one employee to answer questions concerning this case and to provide assistance in completing the form(s). The name and telephone number of the employee will be listed on the claim form.

14 Application for Retroactive Benefits

141 Claimant Responsibilities

1411 The claimant shall complete and sign, under penalty of perjury, the intent to claim form.

1411 A Notice of Intent to Claim Form shall be considered complete when the claimant has provided a name, address, social security number, telephone number, if any, and the county they were living in when they received the lump sum payment.

1412 The claimant shall complete and sign, under penalty of perjury, the Claim Form.

1413 A Claim Form shall be considered complete when the claimant has provided a response to the following questions:

11) The amount of the lump sum payment which was spent before he/she received written notice of the lump sum rule.

12) How the money was spent.

13) The amount of income, if any, received in any month of the disqualification period, as originally determined.

14) Whether the claimant held non-exempt resources in excess of \$1,000 during the disqualification period.

15) The members of the household during the disqualification period.

16) The manner in which the family survived during the disqualification period.

1414 The claimant shall submit the Intent to Claim Form to his/her local CWP.

1415 The Intent to Claim Form in the "Mailing" counties (see Subsection 30-017.124) must be submitted to the local CWP 30 days from the date of receipt unless good cause exists where up to an additional 30 days shall be permitted to return the Intent to Claim Form. If the claimant has not been notified by the CWP, the claimant shall have the same period to return the Intent to Claim Form as claimants in the "Face-to-Face" CWPs.

1416 The Intent to Claim Form in the "Face-to-Face" counties shall be returned within 30 days unless good cause exists, whereupon up to an additional 30 days will be permitted.

1417 The claimant shall return the Claim Form to the responsible CWP no later than 60 days after receipt unless good cause exists, whereupon up to an additional 30 days will be permitted.

1418 The claimant shall be permitted to resubmit a previously denied claim or a portion thereof, if the date of resubmittal is within the period an original Claim Form may be submitted.

142 CWP Responsibilities

1421 In the "Face-to-Face" counties starting August 1, 1988, the intent to claim form shall be provided to all recipients of AFDC benefits at the time of annual redetermination, and to all applicants for AFDC benefits who had previously received such benefits at any time between June 1, 1983 and July 31, 1988. CWPs shall document in the case file that the intent to claim form was given.

1422 "Mailing Counties" shall mail intent to claim forms by August 1, 1988. The mailing shall be to all potential class members identified by manually searching computer listings or by generating a specific computer report.

(a) If an intent to claim form is returned as undeliverable, the CWP shall review the Medical Eligibility Data System (MEDS) and food stamp records to determine the most recent address available. The CWP shall then mail to the updated address within 15 working days.

1423 Unless the evidence indicates otherwise, the date the claim form or the intent to claim form is submitted shall be determined as follows:

(a) The postmark date of the envelope when the claim is mailed to the CWP; or

(b) The date stamped on the claim form by the CWP, when the claim is delivered in person to the CWP; or

(c) The date the claim form was signed by the claimant, when the date cannot be determined by either (a) or (b) above.

1424 Within 30 calendar days after receiving the intent to claim form, the responsible CWP shall make a determination of potential eligibility and provide a claim form to any claimant who is not clearly ineligible. If a CWP determines that a claimant is not a class member, it shall send a Notice of Action (NOA) to the claimant advising of its determination and of the claimant's right to request a hearing. If the intent to claim form is returned incomplete, the CWP shall send an NOA to the claimant requesting a completed intent to claim form. If the CWP does not receive a completed intent to claim form within 30 days from the date the claimant received the form the claim shall be denied.

1425 Before providing the claim form (Form 1709A, 7/88), the CWP shall fill in the following information:

(a) The date(s) upon which the class member received a lump sum;

(b) The date, if any, the county sent the class member written notice of the terms of the lump sum rule.

11) This date shall be placed in the sentence on the fourth line of the left-hand column. That line shall read "///When we stopped your cash aid on (date)///"

1c) The period of ineligibility as originally determined.

142b When an intent to claim form is submitted to the CWP by a claimant, the CWP shall attempt to locate a case record including a medical case record for the claimant.

142f In the event a CWP determines a form was not returned in a timely manner, it shall deny the claim and send an NOA to the claimant advising of its determination and of the claimant's right to request a hearing.

143 When a claim form is returned to the claimant as incomplete and is not returned within 30 days, the CWP shall attempt a personal contact to assist in completing the form before denying the claim as incomplete.

144 In each case where a claim is filed, the CWP shall maintain all documents until the end of the claim period.

144f The CWP shall stamp each claim form with the date the form was received and shall retain all envelopes that were postmarked after the close of the claim period.

145 There shall be a rebuttable presumption in the "mailing" counties that, if a claimant's name is on the CWP's mailing list and the intent to claim form was not returned as undeliverable, the intent to claim form was timely received.

146 There shall be no oral screening of potential claimants. This does not preclude CWP's from giving advice from which a potential claimant can conclude whether he/she is eligible or ineligible.

13 Claim(s) Processing

131 The CWP shall review each claim form to determine whether the claimant may be a member of the class and whether the claimant has provided a completed claim form pursuant to subsection 30+017/412f.

131f The CWP shall request further information or clarification if the form is incomplete or the information is internally inconsistent.

1312 If the information contained on the claim form and the case record is sufficient to verify a claim, the county will compute retroactive benefits in accordance with subsection 30+017/6f.

- 1513 Claimants may be requested to supply documentation where such documentation is in the claimant's possession. Where claimants do not have documentation in their possession, they may be asked to sign a Release of Information Form (ABCDM 228/ 10/78), enabling the county to obtain documentation on their behalf. A claim may be denied if the claimant fails to provide documentation in his/her possession or sign the Release of Information Form.
- 1514 Where the CWP determines, based upon information in the case record or on the Claim Form, that the claimant was ineligible for cash aid due to excess income (other than the lump sum received) or excess property during all or part of the retroactive period, the claim shall be denied for those months.
- 1515 If the CWP determines that the claimant is not a member of the class, the CWP shall send an NOA and deny the claim. The CWP shall review all existing records and shall deny the claim if no record can be found that the claimant applied for or received cash aid. This provision applies only when the CWP can certify that a listing of cash aid cases (such as the AFDC payroll or warrant registry) was retained in addition to cash aid case records for the time period claimed. In addition, this provision can be applied to claimants who were denied cash aid only when the CWP can certify that existing cash aid case records include all denials.
- 1516 Claimants who received an overpayment, but failed to timely report the lump sum, are not eligible for retroactive benefits. However, the CWP shall take no further action on the recovery of the overpayment.
- 152 If a CWP receives a claim for any period in which the CWP can determine from the Claim Form or the case record that the form has been submitted to the wrong county, the CWP shall:
- 1521 Forward, within 15 working days from the date of receipt, the Claim Form or a copy thereof to the correct CWP. A copy of the NOA shall be sent to the claimant indicating the claim period to be processed by the second CWP, when the correct CWP can be determined by the information on the Claim Form or case record. In addition, the CWP shall inform the claimant on that same NOA that, for the period in question, his/her claim has been forwarded to the correct CWP for processing.
- 1522 For the purpose of establishing a timely submission of a claim, the date the Claim Form was submitted to the first CWP, as determined in subsection 30-017.423, shall be considered the date of submission to the second CWP.

1323 The CWP shall deny that period claimed in which the correct CWP cannot be determined from the information on the Claim Form. The CWP shall return the Claim Form, or a copy thereof, together with the NOA informing the claimant of the denial and right to a hearing.

133 If the claimant does not return the Claim Form to the responsible CWP within 60 days from receipt without good cause, the claim shall be denied. The CWP shall send an NOA to the claimant advising of its determination and the claimant's right to a hearing.

1331 If the claimant fails to return the Claim Form but has good cause, the claimant shall be permitted up to an additional 30 days from the date of the good cause determination to return the Claim Form. The Claim Form in no case shall be accepted later than January 31, 1990.

18 Calculation of Retroactive Benefits

181 The information contained in the case record shall be used to determine the amount of retroactive benefits.

182 In the event that the information the claimant has provided on the Claim Form conflicts with the information contained in the CWP's records, the CWP shall use the information contained in the CWP's records to determine the amount of retroactive benefits.

183 If case record information is not available or is insufficient, the amount of the retroactive benefit will be calculated using the information on the Claim Form.

184 When the case record contains sufficient information or when the retroactive benefits are being computed from the information contained on the Claim Form, the CWP shall determine the amount of the retroactive benefits as follows:

1841 For each lump sum received in the retroactive period, determine the amount of money which was still available to the claimant when he/she was informed of the lump sum rule. Any money spent by the claimant before he/she was informed of the lump sum rule shall not be counted.

1842 The amount of money determined in subsection 50-017/641 shall be divided by the Assistance Unit's (AUS) Minimum Basic Standard of Adequate Care at the time the lump sum was received to determine a new period of ineligibility.

1843 For each month deducted from the original period of ineligibility (POI) under subsection 50-017/642, calculate the correct grant when all or part of the lump sum is not counted. See subsection 50-017/644 for the Maximum Aid Payment (MAP) in the retroactive period.

HANDBOOK BEGINS HERE

1044 Maximum Aid Payments (MAP) in the retroactive period

| Maximum Aid Payment | | | | | |
|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Size of FFW | 6/1/83+ 6/30/83 | 7/1/83+ 6/30/84 | 7/1/84+ 6/30/85 | 7/1/85+ 6/30/86 | 7/1/86+ 7/31/86 |
| 1 | 248 | 258 | 272 | 288 | 303 |
| 2 | 408 | 424 | 448 | 474 | 498 |
| 3 | 508 | 528 | 555 | 587 | 617 |
| 4 | 601 | 625 | 660 | 698 | 734 |
| 5 | 688 | 713 | 753 | 798 | 837 |
| 6 | 771 | 802 | 847 | 898 | 941 |
| 7 | 848 | 880 | 929 | 982 | 1/032 |
| 8 | 922 | 959 | 1/013 | 1/071 | 1/126 |
| 9 | 998 | 1/038 | 1/094 | 1/158 | 1/218 |
| 10 or more | 1/071 | 1/114 | 1/176 | 1/243 | 1/308 |

HANDBOOK ENDS HERE

1045 Determine the amount of cash aid actually received by the claimant and compare it to the correct grant for each month identified in Subsection 30+017/643/

- (a) If the cash aid received is less than the correct grant/ the difference is the retroactive benefits for that month to be paid in accordance with Subsection 30+017/7/
- (b) If the cash aid received is the same as the correct grant and an overpayment was previously calculated for that month due to the receipt of a lump sum/ the overpayment shall be voided and any amounts previously repaid shall be considered retroactive benefits to be paid under Subsection 30+017/7/
- (c) If cash aid received is the same as the correct grant/s/ and no overpayment was previously calculated or repaid for those months/ the claimant is not a class member and the claim shall be denied/

168 CWDs shall notify claimants of the disposition of their claims and pay the claimant if approved within 90 days from the date the form is received unless a claim is submitted incomplete/ whereupon an additional 30 days shall be permitted for processing/

17 Computation of the Total Retroactive Payment

171 The CWD shall compute the amount of payable retroactive benefits for each month as follows/

1711 Multiply the amount of monthly retroactive benefit by the appropriate percentage for the month in which payment is authorized/ as set forth in subsection 1713(a)/

HANDBOOK BEGINS HERE

Example

| | | |
|---|----------------------|------------|
| Month of Retroactive Benefit | February 1988 | = \$553.00 |
| Interest Percentage to be paid in payment authorized/ as set forth in subsection 1713(a)/ | * September 1988 = * | 13666 |
| Interest Amount | | = \$203.46 |

HANDBOOK ENDS HERE

1712 Add the amount of the monthly retroactive benefit to the interest as computed in section 30+017/1711 to determine the monthly retroactive payment/

HANDBOOK BEGINS HERE

Example

| | | |
|--------------------------------|-----------------------|----------|
| Retroactive Benefit + Interest | = Retroactive Benefit | |
| \$553.00 | \$203.46 | \$756.46 |

HANDBOOK ENDS HERE

1713 Determine the total amount of the retroactive payment by adding together the monthly payments as computed in section 30+017/1712/

HANDBOOK BEGINS HERE

1a) Retroactive Benefit Month + 1983

| Payment Authorization Month | 6/83 | 7/83 | 8/83 | 9/83 | 10/83 | 11/83 | 12/83 |
|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|
| 8/88 | 15258 | 15175 | 15090 | 15005 | 14923 | 14838 | 14756 |
| 9/88 | 15340 | 15258 | 15173 | 15088 | 15005 | 14921 | 14838 |
| 10/88 | 15425 | 15342 | 15258 | 15173 | 15090 | 15005 | 14923 |
| 11/88 | 15507 | 15425 | 15340 | 15255 | 15173 | 15088 | 15005 |
| 12/88 | 15592 | 15510 | 15425 | 15340 | 15258 | 15173 | 15090 |
| 1/89 | 15677 | 15595 | 15510 | 15425 | 15342 | 15258 | 15175 |
| 2/89 | 15753 | 15671 | 15586 | 15504 | 15419 | 15334 | 15252 |
| 3/89 | 15838 | 15756 | 15671 | 15589 | 15504 | 15419 | 15337 |
| 4/89 | 15921 | 15838 | 15753 | 15671 | 15586 | 15501 | 15419 |
| 5/89 | 16005 | 15923 | 15838 | 15756 | 15671 | 15586 | 15504 |
| 6/89 | 16088 | 16005 | 15921 | 15838 | 15753 | 15668 | 15586 |
| 7/89 | 16173 | 16090 | 16005 | 15921 | 15838 | 15753 | 15671 |
| 8/89 | 16258 | 16175 | 16090 | 16005 | 15923 | 15838 | 15756 |
| 9/89 | 16340 | 16257 | 16173 | 16088 | 16005 | 15921 | 15838 |
| 10/89 | 16425 | 16342 | 16258 | 16173 | 16090 | 16005 | 15923 |
| 11/89 | 16507 | 16425 | 16340 | 16255 | 16173 | 16088 | 16005 |

1b) Retroactive Benefit Month + 1984

1c) Retroactive Benefit Month + 1985

Ad Retroactive Benefit Month / 1986

| Payment Authorization Month | 1/86 | 2/86 | 3/86 | 4/86 | 5/86 | 6/86 | 7/86 |
|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|
| 8/86 | 12668 | 12684 | 12607 | 12422 | 12340 | 12255 | 12173 |
| 9/86 | 12751 | 12666 | 12589 | 12504 | 12422 | 12337 | 12255 |
| 10/86 | 12836 | 12751 | 12674 | 12589 | 12507 | 12422 | 12340 |
| 11/86 | 12918 | 12833 | 12756 | 12671 | 12589 | 12504 | 12422 |
| 12/86 | 13003 | 12918 | 12841 | 12756 | 12674 | 12589 | 12507 |
| 1/89 | 13088 | 13003 | 12926 | 12841 | 12759 | 12674 | 12592 |
| 2/89 | 13164 | 13079 | 13003 | 12918 | 12836 | 12751 | 12668 |
| 3/89 | 13249 | 13164 | 13088 | 13003 | 12921 | 12836 | 12753 |
| 4/89 | 13332 | 13247 | 13170 | 13085 | 13003 | 12918 | 12836 |
| 5/89 | 13416 | 13332 | 13255 | 13170 | 13088 | 13003 | 12921 |
| 6/89 | 13499 | 13414 | 13337 | 13252 | 13170 | 13085 | 13003 |
| 7/89 | 13584 | 13499 | 13422 | 13337 | 13255 | 13170 | 13088 |
| 8/89 | 13669 | 13584 | 13507 | 13422 | 13340 | 13255 | 13173 |
| 9/89 | 13751 | 13666 | 13589 | 13504 | 13422 | 13337 | 13255 |
| 10/89 | 13836 | 13751 | 13674 | 13589 | 13507 | 13422 | 13340 |
| 11/89 | 13918 | 13833 | 13756 | 13671 | 13589 | 13504 | 13433 |

HANDBOOK ENDS HERE

172 Retroactive benefits received shall not be used to offset an overpayment incurred before February 20, 1983.

173 Retroactive benefits received shall not be considered income or as a resource in the month received and the following month.

18 Statistical Reporting

181 The "Mailing" CWDs identified in Subsection 50-017.124 shall submit to SPSS:

1811 A statistical report no later than November 7, 1988 indicating:

1a) How many intent to claim forms were mailed out;

1b) If the county mailed to an overinclusive class of persons; and

1c) A description of the class of persons to which intent to claim forms were mailed.

1812 A final statistical report no later than May 8, 1989 indicating:

1a) The total number of intent to claim forms provided to claimants;

1b) The number of claim forms provided to claimants;

1c) The number of claims received;

1d) The number of claims denied as untimely;

1e) The number of claims denied as incomplete;

1f) The number of claims denied because the claimant was not a member of the class;

1g) The number of claims denied because the claimant was not substantively eligible for retroactive benefits; and

1h) The number of claims granted in whole or part as claim paid in part shall not be considered a denial.

182 The "Face-to-Face" CWDs specified in Subsection 50-017.125 shall submit to SPSS:

1821 Three reports submitted on a quarterly basis with the first report due November 7, 1988 which state for each month:

1a) The number of intent to claim forms provided to the claimants;

1b) The number of Intent to Claim Forms returned to the CWD, and

1c) The number of Claim Forms distributed.

1822 The fourth report due August 7, 1989 shall contain the same information as the final report of the 'Mailing' CWDs (see Subsection 807017/817).

1823 The fifth and final report due February 7, 1990 shall be an updated version of the 'Face-to-Face' CWDs fourth report.

50+019 WRL v/ WOODS RETROACTIVE COURT CASE

50+019

HANDBOOK BEGINS HERE

11 Background

The WRL v/ Woods lawsuit challenged the California Department of Social Services (CDSS) application of Eligibility and Assistance Standards (EAS) Section 40+129. Specifically, the complaint alleged that applicants were wrongfully denied immediate need payments and had the beginning date of aid delayed unnecessarily. On October 31, 1990, the final order settling the lawsuit was signed in Sacramento County Superior Court. Under the terms of the order, CDSS and County Welfare Departments (CWDs) must inform current cash aid recipients about possible retroactive benefits. The provisions of the order that involve retroactivity are set forth in these regulations.

HANDBOOK ENDS HERE

12 Definitions

For the purposes of these regulations:

121 "Class members" means those individuals who:

1211 Applied for and were granted AFDC between February 4, 1982 and April 21, 1988; and

1212 Were wrongfully denied immediate need payments due to the application of Section 40+129; and

1213 Had the beginning date of cash aid delayed as a result of the wrongful denial of the request for an immediate need payment.

122 "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese, and Cambodian.

123 "Immediate need" means a condition that existed during the retroactive period when:

1231 The claimant had an emergency situation; and

1232 The claimant's resources were less than \$100; and

1233 The available resources could not have met the claimant's emergency situation.

124 "Informing/Claim form (TEMP 1785, Rev. 3/91)" means the form which informs potential claimants about the court case and is used to file a claim.

1241 The TEMP 1783 shall be printed in English and the five standard languages/

1242 The TEMP 1783 shall be completed/ signed/ and returned by the claimant to the appropriate CWP to initiate the claim determination process/

125 Informing Notice/ TEMP 1786/ Rev/ 3/91/ means the form mailed to current recipients as a Medical staff/ to inform potentially eligible persons of possible retroactive benefits/

126 Liquid Resources/ means resources which were immediately available and reasonably convertible to cash in time to have met the claimant's emergency situation during the retroactive period/

127 NOA/ means a Notice of Action (NOA) that is considered to be adequate within the meaning of MPP Section 22-001 a/ A claimant is considered to be informed/ of the outcome of a claim when the claimant is provided with a NOA/

128 Responsible CWP/ means the County Welfare Department that took the action on which the claimant's claim is based/

129 Retroactive period/ means the period of time between February 4/ 1982 and April 21/ 1983/

13 Informing of possible retroactive benefits

131 CDS Responsibilities

CDS shall/

1311 Include TEMP 1786 with the Medical cards issued to cash aid recipients for the month of May 1991/

1312 For cash aid recipients who do not receive a Medical card/ mail the TEMP 1786 at the same time Medical cards are issued for cash aid recipients for the month of May 1991/

1313 Issue Informing Posters TEMP 1792/ Rev/ 3/91/

1a/ The TEMP 1792 shall be printed in English and Spanish with the bullets printed in Vietnamese/ Laotian/ Chinese/ and Cambodian/

11/ The English and Spanish entries shall inform of possible retroactive benefits/

12/ The bullets shall state (as translated)/ Welfare may owe you money/ You may contact the Welfare Department for a translation of this notice or call this toll free number/

1b) Supplies of both the English and Spanish versions of the TEMP 1792 shall be sent to CWDs for posting from May 1/ 1991 through June 30/ 1991. These supplies shall be sent by SPSs no later than April 20/ 1991.

1c) Supplies of the TEMP 1792 shall be sent to CWDs for distribution to Food Stamp issuance offices for posting from May 1/ 1991 through June 30/ 1991.

1d) Posters shall be sent to up to 300 addressees to be supplied by the Plaintiffs up to a maximum of 300 posters.

1314 Make available up to \$30,000 for a summary or copy of the TEMP 1783 to be published in the newspapers or other media of Plaintiffs choice.

1315 Provide CWDs with reproducible copies of the TEMP 1783 in English and the five standard languages.

132 CWD Responsibilities

CWDs shall:

1321 Post the TEMP 1792 in English and Spanish in conspicuous locations in all CWD offices from May 1/ 1991 through June 30/ 1991.

1322 Forward a supply of TEMP 1792s in English and Spanish to all Food Stamp issuance outlets within the county with instructions that the posters be displayed in conspicuous locations from May 1/ 1991 through June 30/ 1991.

1323 Reproduce an adequate supply of the TEMP 1783 in English and the five standard languages.

1324 Give or mail TEMP 1783s to anyone upon request.

14 Application for Retroactive Benefits

141 Claimant Responsibilities

The claimant shall:

1411 Provide a completed 1986 Section 30-019/311Y signed TEMP 1783. The TEMP 1783 shall be signed under penalty of perjury.

1a) If a CWD requires additional information from the claimant that has been omitted from the Informing/Claim form, the claimant shall have 30 calendar days from the date the CWD requests the missing information to return the Informing/Claim form with the requested information. A NOA (MS0-0199Y Rev. 3/91) shall be used to request and identify needed information.

1412 Submit the TEMP 1785 to the local CWP or to the responsible CWP/ The TEMP 1785 shall be submitted or postmarked/ if mailed/ no later than June 30/ 1991/

1a) The claimant shall be permitted to resubmit a previously denied claim during the period from May 1/ 1991 through June 30/ 1991/

1b) If the original TEMP 1785 is submitted within the period/ but is returned for additional information or forwarded to the responsible CWP/ the date of the original submission is the date of the claim/

142 CWP Responsibilities

When a TEMP 1785 is submitted/ the CWP shall/

1421 Stamp each TEMP 1785 with the date received and retain all envelopes that were postmarked after June 30/ 1991/

1422 In each case where a claim is filed/ maintain all documents until the end of the claim period/

1423 Attempt to locate a case record/

1424 Determine if the CWP is the responsible CWP/

1a) If the receiving CWP determines that it is not the responsible CWP/ deny the claim/ send the claimant a NOA (MS0-01907 Rev/ 3/91) and forward the TEMP 1785 to the responsible CWP within 15 working days from the date of receipt/

1b) The date of claim shall be the date the claim is initially received by the first CWP/

1c) The receiving CWP shall send the responsible CWP the TEMP 1785/ any supporting documentation/ and a copy of the NOA (MS0-01907) sent to the claimant/

1d) If the receiving CWP determines that it is the responsible CWP/ process the claim/

1e) If the responsible CWP cannot be determined/ deny the claim and send the claimant a NOA (MS0-01907 Rev/ 3/91)/

15 Claims Processing

The responsible CWP shall determine whether the claimant is a class member and take appropriate action within 60 days of receipt of the original claim/ The CWP shall/

151 Review each TEMP 1785 received/

1511 The TEMP 1788 is complete when the claimant has provided the following information:

(a) Claimant's Social Security Number;

(b) Case name(s) during the retroactive period;

1512 The following information shall be provided on the TEMP 1788 to the fullest extent possible:

(a) County(ies) of residence during the retroactive period;

(b) The approximate date(s) of the application(s) for AFDC and request(s) for an immediate need payment during the retroactive period;

(c) Whether AFDC was granted based on the application(s) during the retroactive period;

(d) Whether immediate need or other assistance was granted based on the application(s) during the retroactive period;

(e) What emergency situations the family had which it could not meet or were not met by the county based on the application(s) during the retroactive period;

(f) Claimant's current address;

152 Request further information or clarification if the form lacks essential information or the information is internally inconsistent;

1521 The CWP shall complete claim processing and pay the claim without/ to the extent possible/ requiring claimants to come in person to the local or the responsible CWP;

1522 As necessary/ request that the claimant supply documentation in support of the claim if such documentation is in the claimant's possession;

(a) As necessary/ if the claimant does not have documentation in his/her possession/ request that the claimant sign a release of information form (ABCDM 228 Rev/ 10/78) or CWP equivalent form/ to allow the CWP to obtain documentation on the claimant's behalf;

(b) If the claimant fails to provide documentation in his/her possession or sign the release of information form in support of the claim/ deny the claim and send a NOA (MS01 01987) to the claimant/

153 Compare information on the TEMP 1785 to information in the case record/

1531 If the information the claimant has provided on the TEMP 1785 conflicts with the information contained in the case record/ use the information contained in the CWP records to determine eligibility for retroactive benefits/

1532 If case record information is not available or is insufficient/ use information provided by the claimant on the TEMP 1785 to determine eligibility for retroactive benefits/

154 If the CWP determines that the claimant is not making a claim for a class member/ deny the claim and send a NOA (MS0-0198Y) to the claimant/

155 If the TEMP 1785 is not complete/ as specified in section 80-0191311/ send a NOA (MS0-0198Y) to the claimant to request additional information/ If the CWP requests additional information from the claimant/ the CWP shall have an additional 30 days from the receipt of the returned information to process the claim/

156 If the original TEMP 1785 is submitted/ but is not received within the period from May 1, 1991 through June 30, 1991/ deny the claim and send a NOA (MS0-0198Y) to the claimant/

157 If the CWP can find no record that the claimant applied for or received cash aid during the retroactive period/ deny the claim and send a NOA (MS0-0198Y) to the claimant/

158 If more than one eligible claim is made for a specific instance of eligibility for retroactive benefits/ the first such claim filed shall be processed and any subsequent claim denied/

159 If the claimant is a class member/ compute and pay retroactive benefits/

16 Computation of Retroactive Benefits

161 Assistance units (AUs) which are determined to be class members shall be eligible for a flat \$100 benefit for each and every time the claimant was wrongfully denied an immediate need payment during the retroactive period/

1611 No interest shall be paid on the retroactive benefit/

162 Retroactive benefits are considered corrective underpayments and therefore are not to be considered income or as resources for grant calculation in the month received and the following month/

163 To the extent permitted by federal law and regulations/ retroactive benefits shall not be considered as income or property as a condition of eligibility in the Food Stamp Program/

184 Retroactive benefits due and owing may be offset against outstanding recoverable overpayments. However, in no event shall such benefits be offset against an overpayment occurring prior to October 31, 1987.

185 Counties shall ensure that retroactive benefits shall not be considered as part of the grant calculations even when reported on the monthly reporting document.

17 Statistical Reporting

171 The CWDs shall submit a statistical report (TEMP 1172A Rev/ 3/91) no later than October 15, 1991 indicating the:

1711 Number of TEMP 1783s received.

172 The CWDs shall submit a second statistical report (TEMP 1172B Rev/ 3/91) no later than January 15, 1992 indicating the:

1721 Number of TEMP 1783s provided.

1722 Number of TEMP 1783s received.

1723 Number of claims denied because the TEMP 1783 was not received by the local or the responsible CWD before June 30, 1991.

1724 Number of claims denied because the eligibility to retroactive benefits cannot be established based on the case record information (if any), the documentation submitted by the claimant (if any), and the TEMP 1783.

1725 Number of claims denied because the claimant was not a class member.

1726 Number of claims denied by the receiving CWD with a referral to another CWD.

1727 Number of claims denied because they were not submitted to the responsible CWD.

1728 Number claims denied for all other reasons.

1729 Number of claims granted.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Welfare Recipients' League, Inc. v. Woods, (Stipulation of Settlement and Consent Decree), No. 288972, Superior Court of the State of California, County of Sacramento, October 31, 1990.

HANDBOOK BEGINS HERE

11 Background

The Sallis v/ McMahon lawsuit challenged the California Department of Social Services (CDSS) policy of denying income disregards for State Disability Insurance (SDI) benefits to families receiving aid under the Aid to Families with Dependent Children (AFDC) Program. On January 30, 1991, the final order settling the lawsuit was entered in Sacramento County Superior Court. Under the terms of the order, CDSS and county welfare departments (CWDs) must inform potential claimants about possible retroactive benefits. The provisions of the order that involve retroactivity are set forth in these regulations.

HANDBOOK ENDS HERE

12 Definitions

For the purposes of these regulations:

121 Class Members

"Class Members" means those individuals who:

1211 AFDC

were granted AFDC between June 1, 1987 and March 31, 1991; and

1212 SDI

received State Disability Insurance benefits; and

1213 Disregards

were denied earned income disregards available in the AFDC Program for SDI benefits (MPP Sections 44-11112 and 44-11121).

122 Temp 1800

"Temp 1800" means the Informing/Claim Form Temp 1800 Rev. 7/91 which is the form which potential claimants use to file a claim for retroactive benefits.

1221 Languages

The Temp 1800 shall be printed in English and the five standard languages.

123 NOA

"NOA" means a Notice of Action (NOA) which shall be an adequate notice in accordance with Section 22-001a. A claimant shall be "informed" of the outcome of a claim when the claimant is provided a NOA.

124 Five Standard Languages

"Five Standard Languages" means Spanish, Vietnamese, Lao, Chinese and Cambodian.

- 125 Responsible County "Responsible County" means the county welfare department which calculated a claimant's AFDC payments without allowing earned income disregards for SSI benefits.
- 126 Retroactive Period "Retroactive Period" means the period of time between June 1, 1987 and March 31, 1991.
- 127 ABCDM 228 "ABCDM 228" means the Release of Information form ABCDM 228 (Rev. 10/78) which is used to obtain documentation when the claimant does not have the necessary information or is unable to provide such information.
- 128 GEN 1172 "GEN 1172" means the Statistical Report GEN 1172 (Rev. 7/91) which gathers data concerning cases which claim SSI work related deductions.
- 129 State Listing "State Listing" means a listing of potential class members who received both AFDC and SSI benefits concurrently at some time between August 1, 1989 and March 31, 1991 which is provided by the state to all counties.
- 13 Informing of Possible Retroactive Benefits The county shall:
- 131 County Offices Post the Temp 1799 (Rev. 7/91) in English and Spanish in conspicuous locations in all county offices from October 1, 1991 through November 30, 1991.
- 1311 Temp 1799 Reproducible copies of the Temp 1799 shall be provided to the county no later than September 23, 1991 by SSSS in English and Spanish with referrals for translations in Vietnamese, Lao/Lao-Lan, Chinese and Cambodian.

HANDBOOK BEGINS HERE

(a) English/Spanish The English and Spanish entries on the Temp 1799 inform potential claimants and the general public about possible retroactive benefits.

(b) Referral for Other Languages The referrals for translations on the Temp 1799 state as translated:

"Welfare may owe you money. You may contact the Welfare Department for a translation of this notice."

HANDBOOK ENDS HERE

- 132 Food Stamp Issuance Outlet
Forward a supply of Temp 1799 in English and Spanish to all food stamp issuance outlets within the county no later than September 23/ 1991 with instructions that the posters be displayed in conspicuous locations from October 1/ 1991 through November 30/ 1991/
- 133 Claim Forms
The county shall/
- 1331 Past AFDC Recipient
Mail a Temp 1800 to the last known address of potential class members provided by SPSS who are not currently receiving AFDC/ but received aid at some time from July 1/ 1989 through March 31/ 1991/
- 1332 Others on Request
Provide or mail a Temp 1800 upon request to any person/
- 14 Claims for Retroactive Benefits
- 141 Claimant Responsibility
Those claimants who are not currently on AFDC and who appear on the state listing of claimants who do not appear on the state listing shall/
- 1411 File Claim
Complete and sign under penalty of perjury the Temp 1800/
- 1412 Deadline
Submit the Temp 1800 to the local county office or to the responsible county no later than November 30/ 1991/
- 141 Resubmit
The claimant shall be permitted to resubmit a previously denied claim during the period October 1/ 1991 through November 30/ 1991/
- 141 Date Submitted
The date of the original submission shall be the date of the claim when the original Temp 1800 is submitted within the period/ but is returned for additional information or forwarded to another county/
- 142 Current Recipients Responsibility
A recipient who is currently receiving AFDC and who appears on the state listing shall not be required to submit a Temp 1800/ The county shall compute the retroactive benefits using the case record information/ The recipient shall provide information to the county only when necessary to complete the computation for retroactive benefits/

143 County
Responsibilities

The county shall:

1431 Date Received

Stamp each Temp 1800 with the date received and retain all envelopes that were postmarked after November 30, 1991.

1432 Maintain Record

Maintain all documents until the end of the claim period for each case where a claim is filed.

1433 Case Location

Attempt to locate a case record.

1434 Responsible
County

Determine which county is the responsible county.

1a) Deny/
Transfer
Claim

The county shall deny the claim and send the claimant a denial NOA MS0+020 CT (Rev. 7/91) when the receiving county determines that it is not the responsible county.

11)

The date of claim shall be the date the claim is initially received by the first county.

12)

The receiving county shall send the responsible county the Temp 1800, any supporting documentation and a copy of the NOA MS0+020 CT (Rev. 7/91) sent to the claimant within 30 calendar days.

1b) More Than
One Claim

The first claim shall be processed and any subsequent claim denied when more than one claim is made for a specific instance of eligibility for retroactive benefits.

1c) Cannot
Determine

The county shall deny the claim when the responsible county cannot be determined.

1d) Process
Claim

The receiving county shall process the claim when it is the responsible county.

15 Claims Processing

151 State Identified
Claimant

The county shall determine whether the claimant is a class member and take appropriate action by November 30, 1991 for those potential claimants identified on the state listing who are currently receiving AFDC.

| | | |
|------|-------------------------|--|
| 152 | County Time Limit | The county shall take appropriate action within 90 days of receipt of a completed claim form (Temp 1800) for those claimants required to submit a Temp 1800. |
| 153 | Completeness of Claim | The county shall review each Temp 1800 received for completeness. |
| 1531 | Mandatory Information | The Temp 1800 shall be considered complete when the claimant has provided the following information: |
| 1a) | SSN | Claimant's Social Security Number (SSN). |
| 1b) | Case Name | Case(s) name during the retroactive period. |
| 1c) | Birth Date | Claimant's date of birth. |
| 1d) | Signature | Claimant's signature. |
| 1532 | Optional Information | The claimant shall provide the following information on the Temp 1800 to the extent possible: |
| 1a) | County | Any counties of residence during the retroactive period. |
| 1b) | Date of SDI | The approximate date(s) of receipt of the state disability insurance (SDI) benefits. |
| 1c) | Telephone | Claimant's telephone number. |
| 1d) | Discrete Office | Discrete office where the claimant received AFDC during the retroactive period. |
| 1e) | Address | Claimant's current address. |
| 154 | Verify Information | The county shall compare information on the claim form to information in the case record when a Temp 1800 has been submitted. |
| 1541 | Conflicting Information | The county shall use the information in the case record when information the claimant has provided on the Temp 1800 conflicts with the information contained in the case record. |
| 1542 | Unavailable Case Record | The county shall use the information provided by the claimant on the Temp 1800 when the case record information is not available or is insufficient. |

155 Inconsistent/Lacking
Information

The county shall request further information or clarification within 30 calendar days from the receipt of the claim form/ when the county lacks essential information/ The county shall also request additional information or clarification when the information is internally inconsistent or a Temp 1800/

1551 Interview

The county shall complete claim processing without requiring claimants to come in person to the local or responsible county office to the extent possible/

1552 Supporting
Information

The county shall request that the claimant supply documentation when necessary in support of the claim if such documentation is in the claimant's possession/

1a) Time Limit

The claimant shall have 30 calendar days from the date the county requests omitted information to return the completed Temp 1800/ The county shall notify the claimant with an NOA M30+020 AT (Rev/ 7/91) to request additional necessary information/

1b) Release of
Information

The county shall request that the claimant sign a Release of Information form ABQDM 228 (Rev/ 10/78) of the county equivalency form to allow the county to obtain documentation on behalf of the claimant when the claimant does not have the information/

1c) Failure to
Provide
Information

The county shall deny the claim on the denial NOA M30+020 CT (Rev/ 7/91) when the claimant fails to provide documentation in his/her possession or sign the ABQDM 228 of the county equivalency/

156 County Processing Time

The county shall have an additional 30 calendar days from receipt of the returned information to process the claim when the county requests additional information from the claimant/

157 Deny Claim

The county shall deny the claim and send a denial NOA M30+020 CT (Rev/ 7/91) to the claimant when/

1571 Not Class Member

The county determines that the claimant is not making a claim for a class member/

1572 No AFDC

No record that the claimant applied for or received AFDC during the retroactive period can be found/

1573 Past Time Limit

The original TEMP 1800 is submitted but is not received or postmarked within the period October 1, 1991 through November 30, 1991.

16 Computation of Retroactive Benefits

161 Earned Income Disregard

The county shall recalculate the aid payment for any eligible month during the retroactive period by deducting the appropriate earned income disregards from the SSI income.

1611 No Interest

No interest shall be paid on the retroactive benefits.

162 Net Income Property

Retroactive benefits shall not be considered as income or property as a condition of eligibility in AFDC or the Food Stamp Program to the extent permitted by federal law and regulations.

163 Offset Overpayments

The county shall offset any outstanding receivable overpayments with retroactive benefits due and owing.

164 Issue Payment

The county shall issue payments within 20 calendar days when eligibility has been determined for the retroactive benefits.

17 Statistical Reporting

171 Deadline for Report

The CWDs shall submit a statistical report GEN 1172 (Rev. 7/91) no later than May 31, 1992, indicating:

1711 Claims Received

The number of claims received by the CWD.

1712 Cases Paid

The number of cases paid by the CWD.

1713 Claims Denied

The number of claims denied by the CWD.

1714 Benefits Paid

The total amount of benefits paid.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and Salas v. McMahon, Class Action Supplication of Settlement and Consent decree, Sacramento Superior Court, Case No. 862308, dated January 30, 1991.

NOTICE, PUBLICATION, REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on reverse)

For use by Secretary of State only

AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (If any)

ORD #0295-03

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

95-0602-02E

For use by Office of Administrative Law (OAL) only

FILED
In the office of the Secretary of State
of the State of California

JUN 12 1995

1995 JUN -2 PM 2:32

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR PUBLICATION
AND PUBLICATION
JUN 12 19954:12 PM
JONES, Secretary of State

Blus to Cornick

NOTICE

REGULATIONS

Office of Administrative Law

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|--|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Blanco v. Anderson Implementation | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) MPP | ADOPT 11-601 |
| SECTIONS AFFECTED | AMEND 44-317, 63-007, 63-205, and 63-300 |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) July 1, 1995

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Chief, Office of Regulations Development

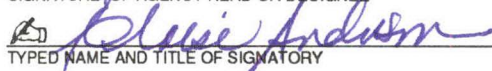
TELEPHONE NUMBER

651-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

JUN 1 1995

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 63-007 to read:

63-007 IMPLEMENTATION OF ~~HOURS OF OPERATION REVIEW REQUIREMENT~~
BLANCO v. ANDERSON

63-007

.1 (Continued)

.2 Sections 11-601 and 63-300.38 shall be effective July 1, 1995.

Authority Cited: Sections 10553, ~~and~~ 10554, and 18904, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code, 7 CFR 272.4(g), Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated ~~December 16, 1993~~ January 3, 1995.

Amend Section 63-205.1 to read:

63-205 LOCATION AND HOURS OF OPERATION OF CERTIFICATION AND
ISSUANCE SERVICES

63-205

.1 Hours of Operation

CWDs are responsible for determining the location and hours of operation of certification and issuance services available to Food Stamp applicants and recipients based on an assessment of their needs. To make this determination, CWDs shall conduct an annual review of the hours of operation of Food Stamp certification and issuance offices to ensure that the needs of recipients who work are adequately met. The results of these reviews shall be submitted to the California Department of Social Services to be retained for review by the federal Food and Nutrition Service. Requirements for CWD offices that are not open to the public eight hours per day, Monday through Friday, are specified in Section 11-601.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code, 7 CFR 272.4(g), Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. Civ. S-93-859 WBS, JFM, dated ~~December 16, 1993~~ January 3, 1995.

Amend Section 63-300.3 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.3 Filing, Notice of Right to File and Withdrawal (Continued)

.38 Beginning Date of Application When CWD Is Closed on Normal Work Days

.381 In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an application for Food Stamp benefits is deposited in a drop box, mail slot, or other reasonable accommodation in accordance with Section 11-601.311(b), the "date of application" shall be the date the application is deposited.

.382 In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an applicant calls to make a request for emergency benefits in accordance with Section 11-601.313, the date of application shall be the date the telephone call is received.

HANDBOOK BEGINS HERE

.383 Example: On Friday, when the CWD is closed, an applicant deposits an application for Food Stamp benefits in a mail slot designated for that purpose. The application will be date stamped with Friday's date or it will be otherwise indicated on the application that it was received on Friday, the date of application. Had the applicant made a request for Homeless Assistance, Food Stamp Expedited Services, Medi-Cal, or AFDC Immediate Need via the local telephone service on Friday, the date of application would be Friday and the application would have to be processed within established time frames.

HANDBOOK ENDS HERE

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 11023.5, and 18904, Welfare and Institutions Code; 7 CFR 273.2(b)(ii), (c)(5), (f)(3)(ii), and (j)(1); 7 CFR 273.4(a)(10); and USDA Food and Nutrition Service Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; ~~and~~ 7 U.S.C.A. 2020(e)(2); and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

Adopt Chapter 11-600 and Section 11-601 to read:

Chapter 11-600 LAWSUITS INVOLVING MULTIPLE PROGRAMS

11-601 BLANCO v. ANDERSON LAWSUIT

11-601

HANDBOOK BEGINS HERE

.1 Background

The Blanco v. Anderson lawsuit challenged the closure of county welfare department (CWD) offices during regular business hours except Saturdays, Sundays, and legal holidays.

The initial decision, issued on December 16, 1993, addressed only the closure of CWD Food Stamp offices without first having completed a review of the office hours of operation as required by federal regulations at 7 CFR 272.4(g). Emergency state regulations implementing the specific federal regulatory requirements for the required annual office hours review were effective June 1, 1994.

The final judgment, issued December 20, 1994, and amended January 3, 1995, finds that by allowing CWDs to close their offices during the "regular eight hours of the working day," class members have been denied their right to apply for and receive Food Stamp, AFDC, homeless assistance, and Medi-Cal benefits. The court ordered that when the CWDs are closed during the regular eight hours of the working day, they must do the following. They must make it possible for individuals to apply for and receive Food Stamp, AFDC, and Medi-Cal benefits, including emergency benefits, within the time limits prescribed by state and federal law. The CWDs must also provide notice of their hours of operation and of the procedures, during these hours of closure, for applying for and receiving these benefits, including emergency benefits.

These regulations implement the December 20, 1994 judgment as amended January 3, 1995.

HANDBOOK ENDS HERE

.2 Definitions

.21 For purposes of these regulations, the following apply:

.211 "Accept and act upon all applications for emergency benefits" includes providing such emergency benefits within the time limits prescribed by federal and state law.

.212 "Local telephone service" means a telephone number which is toll-free for the same geographic area as the regular telephone number for each CWD office.

.213 "Opportunity to file an application for benefits" includes the provision of special assistance under 7 CFR 273.2(e) and (f) (see Sections 63-300.4 and .5) and 45 CFR 233.10(a)(1)(vi) (see Section 40-157.213).

(a) "Special assistance" means assisting the applicant as necessary in order to provide emergency benefits within the time limits prescribed by federal and state law, including waiving the face-to-face office interview, conducting the application interview by telephone, and assisting the applicant in gathering needed documents.

.214 "Regular eight hours of a working day" means the eight-hour period the CWD's offices are open to the public. If the CWD office is never open eight hours on a working day, the "regular eight hours of the working day" shall mean the hours that the CWD office is open, plus an additional time period(s) immediately before, after, or between these hours, which cumulatively equal eight hours.

.215 "Working days" means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding federal and state holidays.

.3 County Responsibilities

.31 If a CWD closes its offices at any time during the regular eight hours of a working day, the CWD shall do all of the following during those hours of office closure:

.311 Provide individuals the opportunity to file an application for and receive Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law.

(a) Make applications for such benefits readily available to individuals.

(b) Provide a drop-box, mail slot, or other reasonable means for filing applications.

(1) Applications deposited as described in Section 11-600.311(b) shall be deemed to have been filed on the date of the CWD office closure.

(2) In the event an individual certifies he/she was denied the opportunity to file an application, and the CWD does not have evidence to the contrary, the application shall be processed in all respects as though it was filed on the date of the CWD office closure.

.312 Provide individuals the opportunity to file an application for and receive expedited Food Stamp, immediate need AFDC, and/or homeless assistance benefits within the time limits prescribed by federal and state law.

- (a) Maintain sufficient staff to accept and act upon all such applications, and/or
- (b) Maintain a local telephone service with sufficient staff to accept and act upon all such applications as if such requests had been made in person at the CWD's office.

.313 Greet incoming calls on the main telephone lines of the CWD's offices with an announcement informing the caller of following:

- (a) The working days, or regular eight hours of a working day, when the offices will be closed;
- (b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits, during these hours of office closure; and
- (c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits, within the time limits prescribed by federal and state law, during these hours of office closure.

HANDBOOK BEGINS HERE

- (d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that telephone announcements greeting incoming calls informing the public of the provisions specified in Sections 11-601.313(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

HANDBOOK ENDS HERE

.314 Post notices in prominent locations within the CWD's offices and in the public areas, including the doors, immediately outside the CWD's offices which inform the public of the following:

- (a) The working days, or the regular eight hours of a working day, when the offices will be closed;
- (b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits during these hours of office closure; and
- (c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits within the time limits prescribed by federal and state law, during these hours of office closure.

HANDBOOK BEGINS HERE

- (d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that notices posted by the CWD offices informing the public of the provisions specified in Sections 11-601.314(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

Amend Section 44-317.111 to read:

44-317 BEGINNING DATE OF AID FOR NEW APPLICATIONS

44-317

When the applicant is found eligible, the following are beginning dates of aid:

.1 Basic Date of Aid Determination

.11 (Continued)

.111 (Continued)

(a) In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an application for AFDC benefits is deposited in a drop box, mail slot, or other reasonable accommodation in accordance with Section 11-601.311(b), the "date of application" shall be the date the application is deposited.

(b) In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an applicant calls to make a request for emergency benefits in accordance with Section 11-601.313, the date of application shall be the date the telephone call is received.

HANDBOOK BEGINS HERE

(c) Example: On Friday, when the CWD is closed, an applicant deposits an application for AFDC benefits in a mail slot designated for that purpose. The application will be date stamped with Friday's date or it will be otherwise indicated on the application that it was received on Friday, the date of application. Had the applicant made a request for Homeless Assistance, Food Stamp Expedited Services, Medi-Cal, or AFDC Immediate Need via the local telephone service on Friday, the date of application would be Friday and the application would have to be processed within established time frames.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code; 45 CFR 206.10; 45 CFR 233.10(a)(1); 45 CFR 233.20(a)(1)(ii); 45 CFR 233.60; 45 CFR 233.90(c)(2)(i); ~~and~~ Section 3510 (October 1961), Federal Handbook of Public Assistance Administration; and Blanco v. Anderson Court Order, United States District Court, Eastern District Of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on reverse)

original
For use by Secretary of State only

| | | | | |
|--|--------------------|---|------------------|--|
| AGENCY CALIFORNIA DEPARTMENT OF SOCIAL SERVICES | | | | AGENCY FILE NUMBER (if any) 1294-42 |
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER 95-0512-05C | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER 95-0120-03E |
| For use by Office of Administrative Law (OAL) only | | | | |
| NOTICE | | | REGULATIONS | |

1995 MAY 12 10:00 AM
OFFICE OF ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING AND PUBLICATION
JUN 14 1995
At 4:29 O'clock P.M.
By Bill Jones, Secretary of State
Deputy Secretary of State

FILED
In the office of the Secretary of State
of the State of California

JUN 14 1995

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register) Office of Administrative Law

| | | | | |
|---|--|--------------------------|-----------------------------------|-------------------------------|
| 1. TOPIC OF NOTICE GAIN-UWEX Regulations | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 95-#5-2 | PUBLICATION DATE 4-3-95 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) MPP | ADOPT Sections 42-775.35, .44 and .524 |
| SECTIONS AFFECTED | AMEND Sections 42-710.3, 42-720.581, 42-730.274 and 42-741 |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank R. Vitulli, Office of Regulations Development

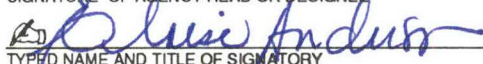
TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

5/10/95

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 42-710.3 to read:

42-710 INTRODUCTION TO GAIN

42-710

.3 Definitions for Terms Used in This Chapter

- (a) through (x) (Continued)
- (y) "UWEX" means AFDC Unemployed Parent Work Experience component.
- (z) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily participates in GAIN.

Authority Cited: Sections 10553 and 10504, Welfare and Institutions Code.

Reference: Sections 11320, 11320.2, 11320.4, 11320.6, 11320.8, 11321, 11321.2, 11321.4, 11321.6, 11321.8, 11322, 11322.2, 11322.4, 11322.6, 11322.8, 11323, 11323.1, 11323.15, 11323.2, 11323.4, 11323.6, 11323.8, 11324, 11324.2, 11324.4, 11324.6, 11324.8, 11325, 11325.2, 11325.4, 11325.6, 11326, 11326.2, 11326.4, 11326.6, 11326.8, 11327, 11327.2, 11327.4, 11327.5, 11327.6, 11327.8, 11328, 11328.1, 11328.2, 11328.4, 11328.6, 11328.8, 11329, 11329.2, 11329.4, 11329.5, and 13280, Welfare and Institutions Code; 45 CFR 250.63(k); 42 U.S.C. 682(d) (1) (A) (ii) (IV).

Amend Section 42-720.581 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

.5 (Continued)

.58 A plan will be approved only if it provides an adequate range of services.

.581 For large counties, as defined by DSS for AFDC cost control purposes, "an adequate range of services" means that the CWDs shall provide all of the job services, education, training, and supportive services described in Sections 42-730, 42-750 and 42-775.35, except as provided in Section 42-730.61.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.6(b), 11320.8(c), 11321, 11321.2, 11321.2(a), 11321.2(b), 11322.2(b), 11322.4, 11322.8, 11323.15, 11330.5(d), 11330.8(c), 11330.9, and 13280, Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.11; 45 CFR 250.12(c); 45 CFR 250.31(a); 45 CFR 250.44; 45 CFR 250.45; and 45 CFR 250.63(k).

Amend Section 42-730.274(a) to read:

42-730 GAIN JOB, TRAINING, AND EDUCATION SERVICES (Continued)

42-730

.2 Job Services shall include: (Continued)

.27 Subject to the GAIN Program participant flow process as described in Sections 42-771 through 774, participation in job search activity shall be limited as follows: (Continued)

.274 Counties shall not require any individual to participate in job search activity in excess of the limits specified in Sections 42-730.271 and .272 except as part of a CWD approved education, training or employment activity as follows:

(a) During a PREP or UWEX assignment; or (Continued)

.3 Training services shall include: (Continued)

.32 Preemployment Preparation (PREP) (Continued)

.323 The number of hours a person participates in a PREP assignment shall be determined by the appropriate formula provided in Section 42-730.323 (a) or (b): (Continued)

Authority Cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code

Reference: Sections 11322.6(f), 11322.6(f)(2), 11322.8(h)(6), 11323, 11323.15, 11324.2(a)(2), 11324.4(b), 11324.6, and 11330.7, Welfare and Institutions Code; 45 CFR 250.60(c) and (d); 45 CFR 250.62(b)(2); 45 CFR 251.3(a); and 45 CFR 250.63(k).

Amend Section 42-741 to read:

42-741 AGREEMENTS FOR PREP AND UWEX

42-741

- .1 Agreements between the CWD and providers of PREP or UWEX shall include the specific performance criteria in Section 42-740.1 and PREP shall be consistent with Section 42-730.32.
- .2 An agreement between the CWD and the employer of a participant in the UWEX component shall be consistent with the provisions of Section 42-775.35.
 - .21 At a minimum, the terms of the agreement shall include a brief description of the participant's position or duties, the assigned hours, and the method for verifying attendance.
 - .22 The agreement must be in writing, but an informal format, such as a form letter that is returned to the county after signature by the employer or the employer's representative, may be used.
 - .23 Employers shall conduct at a minimum an evaluation of the participant's progress at least quarterly or at midpoint for training assignments of three months or less and at the completion of the program. Participants shall provide the employer evaluation(s) to the county.
- .3 The CWD shall ensure that the sponsor of a PREP or UWEX assignment shall assist and encourage a qualified PREP or UWEX participant to compete for job openings occurring within the sponsor's organization.

HANDBOOK BEGINS HERE

- .4 Agreements are binding contracts even though they do not involve the exchange of money.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11322.8 and 11328.6, Welfare and Institutions Code; 45 CFR 250.63(k); 42 U.S.C. 682(d)(1)(A)(ii)(IV).

Adopt Sections 42-775.35, .44, and .524 to read:

42-775 GAIN PARTICIPATION REQUIREMENTS FOR AFDC-U PARENTS (Continued) 42-775

.3 Upon completion of appraisal or assessment, as appropriate, the parent shall be required to participate in at least one of the following employment activities for at least 16 hours per week:

.31 through .34 (Continued)

.35 A UWEX component as described in this section.

.351 UWEX shall be a nonsalaried work experience assignment with a public, private non-profit, or at county option, a private for-profit employer, that shall enhance and renew job skills, build work habits or expedite the transition to unsubsidized employment.

(a) UWEX assignments may include activities that provide a needed community service.

HANDBOOK BEGINS HERE

(1) Examples of appropriate UWEX community service assignments include, but are not limited to:

(A) nonsalaried work experience hours in a preschool, or an elementary or secondary school;

(B) nonsalaried work experience hours in a hospital, convalescent home or hospice program;

(C) nonsalaried work experience hours in public libraries; and,

(D) nonsalaried work experience hours in park and recreation districts.

HANDBOOK ENDS HERE

.352 A UWEX assignment with a private for-profit employer shall not exceed 13 weeks except that a county may extend an assignment a maximum of 13 additional weeks based upon the case manager's determination of the participant's need for additional job/work exposure and/or training.

.353 An assignment to UWEX shall be reviewed by the county at least annually to ensure that it continues to conform to the employment goal and to provide skills that will lead to unsubsidized employment.

- .354 The number of hours a participant shall participate in a UWEX assignment shall be based on the employer's need, but shall not exceed 32 hours per week.
- .355 Participants assigned to UWEX shall be expected to continue to seek employment.
 - (a) A participant may request job services, as described in Section 42-730.2, at any time during participation in the UWEX assignment.
 - (b) Hours of participation in job service activities shall not exceed the hours of participation in the UWEX activity.
 - (c) Job search activities during the UWEX assignment shall not be subject to the 40-day time limit specified in Section 42-730.272.
- .356 A UWEX participant assigned to public agencies shall be allowed to:
 - (a) Participate in classified service examinations equivalent to the position he/she occupies.
 - (b) Participate in all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules.
- .357 A UWEX assignment shall not be created as a result of, or shall not result in, any of the conditions described in Section 42-730.329.
- .4 Notwithstanding any other provisions of these regulations, concurrent participation in an employment activity listed in Section 42-775.3 and any other program activity may be required as needed to meet the participant's employment goal. (Continued)
 - .44 Combined hours of participation in all assigned activities, including independent job search as required by Section 42-775.355, shall not exceed 40 hours per week.
- .5 For parents under age 25 who do not possess a high school diploma or equivalent, participation in education activities as described in Section 42-730.5 may be required in lieu of the activities specified in Section 42-775.3. (Continued)
 - .52 Notwithstanding any other provision of these regulations, concurrent participation in an educational activity pursuant to Section 42-775.5 and an employment activity described in Section 42-775.3 ~~and~~/or any other program activity may be required. (Continued)

.524 Combined hours of participation in all assigned activities, including independent job search as required by Section 42-775.355, shall not exceed 40 hours per week.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.8(a), 11322.4 (f), 11322.6(f)(2), 11322.8, 11322.8(f) and (g), 11323.15, 11324.6, 11325, 11325.2(c) (7) and (c) (9), 11325.8(b), 11326, 11326.8, and 11327.4(a), Welfare and Institutions Code; 45 CFR 250.20(e)(2)(ii); 45 CFR 250.21(d)(5); 45 CFR 250.33, 45 CFR 250.41; 45 CFR 250.60(d); 45 CFR 250.63(k); 45 CFR 250.63(k)(1); and 45 CFR 250.74(c)(1); 45 CFR 251.3; 42 U.S.C. 603(l)(4)(A) and (B)(i); 42 U.S.C. 682(d)(1)(A)(ii)(IV); 42 U.S.C. 684(c)(1), (2) and (3); and JOBS-ACF-AT-93-7.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on reverse)

original
For use by Secretary of State only

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (if any)

0794-24

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z-94-1220-03

REGULATORY ACTION NUMBER

95-0505-10C

EMERGENCY NUMBER

94-1223-03E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1995 MAY -5 PM 3:22

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
AND PUBLICATION

JUN 14 1995

FILED
In the office of the Secretary of State
of the State of CaliforniaJUN 14 1995 4:29 P M
JONES, Secretary of State

Cecilia Comick

NOTICE

REGULATIONS

Office of Administrative Law

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|--|--|--------------------------|-----------------------------------|-------------------------------|--|
| 1. TOPIC OF NOTICE CCWRO v. Anderson | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 94-1592 | PUBLICATION DATE 12-30-94 | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|-------------------------|
| TITLE(S) MPP | ADOPT 50-025 et seq. |
| SECTIONS AFFECTED | AMEND |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §§ 44 and 45)

March 24, 1995 to April 10, 1995 Sections 50-025.412(b) & .655 (Handbook)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Chief, Office of Regulations Development

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

05/04/95

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 50-025, amend Section 50-025.412(b), and modify Handbook Section 50-025.655 to read:

50-025 CCWRO v. ANDERSON RETROACTIVE LAWSUIT

50-025

HANDBOOK BEGINS HERE

.1 Background.

On February 6, 1990, the Coalition of California Welfare Rights Organizations (CCWRO) v. Anderson lawsuit was filed with the Sacramento County Superior Court, challenging the California Department of Social Services' (CDSS) notice procedures for noncompliant Greater Avenues for Independence (GAIN) participants. Prior to October 1, 1990, GAIN regulations required counties to send a GAIN Appointment Notice to a noncompliant participant for cause determination. If the participant failed to respond to the notice, the case would go through the conciliation process without further notice to the participant prior to the imposition of sanctions.

On September 12, 1991, the Superior Court granted CDSS summary judgment, finding that the applicable GAIN regulations provided participants with adequate notice and a reasonable opportunity to appear. On January 4, 1993, the Court of Appeal ruled in favor of an appeal by CCWRO and reversed the decision of the Superior Court. The case was remanded to Superior Court for further proceedings.

On March 8, 1994, the Superior Court entered Judgment on the case as directed by the Court of Appeal. The CCWRO Judgment ruled that the procedure of imposing a conciliation plan and subsequent sanction without further notice to a participant who failed to respond to a GAIN Appointment Notice was not promulgated as a rule in accordance with the Administrative Procedures Act, Government Code Sections 11346-11347.5.

In addition to the counties that did not send additional notices to participants prior to imposing a conciliation plan and subsequent sanction, the Court also included in the Judgment those counties that sent an additional notice prior to conciliation. The Court ruled that the additional notice procedure used by these counties was invalid because it was not promulgated as a regulation in accordance with the Administrative Procedures Act.

The Judgment specifies that all mandatory GAIN participants who were mailed a GAIN Appointment Notice during the retroactive period, who failed to respond to the appointment notice, or an additional notice from the county, and whose Aid to Families with Dependent Children (AFDC) benefits were reduced solely as a result of their failure to participate in the GAIN Program for the reasons specified in the Appointment Notice are class members eligible for corrective underpayment.

HANDBOOK ENDS HERE

.2 Definitions.

For the purpose of these regulations:

a.-b. Reserved.

- c. (1) "Claim period" means the period from January 15, 1995 through April 14, 1995 during which a potential class member may file a claim under CCWRO v. Anderson.
- (2) "Class member" means all mandatory GAIN participants who were mailed a GAIN Appointment Notice from July 1, 1985 through September 30, 1990, who failed to respond to the Appointment Notice, or an additional notice from the county, and who were sanctioned solely as a result of their failure to participate in the GAIN Program for the reasons specified in the appointment notice.
- (3) "Corrective underpayment" means the retroactive payment of cash aid inappropriately withheld from a class member.
- (4) "CWD" means county welfare department.

d.-e. Reserved.

- f. (1) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.
- (2) "Four standard Asian languages" means Vietnamese, Laotian, Chinese and Cambodian.

- g. (1) "GEN 1172 (5/93) Court Case: CCWRO v. Anderson" (Court Case Statistical Report) means the form used by CWDs to report statistical data regarding the claims filed and paid under this lawsuit.

h.-m. Reserved.

- n. (1) "NOA" means a notice of action that is considered to be adequate within the meaning of Manual of Policies and Procedures (MPP) Section 22-021.

o.-q. Reserved.

- r. (1) "Responsible CWD" means the county welfare department GAIN office that took an action on which a class member's claim is based.
- (2) "Retroactive period" means the period from July 1, 1985 through September 30, 1990.

s. Reserved.

- t. (1) "TEMP GAIN 86 (11/94), Informing Notice" means the document mailed by the CWD to inform potential claimants of possible corrective underpayments resulting from the CCWRO Court Order.
- (2) "TEMP GAIN 87 (1/95), Claim Form" means the document used by claimants to file a claim based on the CCWRO Court Order.
- (3) "TEMP GAIN 89 (11/94), Informing Poster" means the document that is posted to notify potential claimants of possible corrective underpayments resulting from the CCWRO Court Order.

u.-z. Reserved.

.3 Informing Class Members.

HANDBOOK BEGINS HERE

.31 CDSS Responsibilities. CDSS shall:

- .311 Print the TEMP GAIN 89 (Informing Poster) in English with bullets in the five standard languages.
- .312 Provide CWDs with:
- (a) A reproducible copy of the TEMP GAIN 86 (Informing Notice) in English with bullets in the five standard languages.
 - (b) Reproducible copies of the TEMP GAIN 87 (Claim Form) in English and the five standard languages.
 - (c) Copies of NOA messages in English and reproducible copies of NOA forms in English and the five standard languages.
 - (d) Reproducible copies of the TEMP GAIN 89 (Informing Poster) with bullets in the five standard languages.
- .313 Mail copies of the TEMP GAIN 89 (Informing Poster) to legal aid and welfare rights organizations of plaintiffs' choice at least 10 days before the beginning of the claim period.
- (a) Plaintiffs' counsel shall provide CDSS with the mailing labels not to exceed 300.

HANDBOOK ENDS HERE

.32 Included CWDs.

.321 The following CWDs are identified as included CWDs. These CWDs shall fully implement the provisions of the Judgment:

- (a) Alpine, Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Ventura, Yolo, and Yuba.

.322 The following CWDs are not required to fully implement the notification and claim processing provisions of the Judgment.

- (a) San Francisco, Santa Cruz, Sierra, and Tuolumne.
- (b) If these excluded CWDs receive a TEMP GAIN 87 (Claim Form), they shall issue the M50-025D (Deny Claim) and forward the claim to the responsible CWD, if known.

.33 CWD Responsibilities. Included CWDs shall:

.331 Reproduce an adequate supply of the TEMP GAIN 86 (Informing Notice) in English with bullets in the five standard languages.

- (a) On the TEMP GAIN 86 (Informing Notice), CWDs shall specify the county office address and phone number that potential claimants are to contact or call to obtain a TEMP GAIN 87 (Claim Form).

.332 Notify potential class members using one of the following methods:

- (a) CWDs with the computer systems capability to identify GAIN participants who are potential class members shall conduct a computerized search and mail a TEMP GAIN 86 (Informing Notice) to each potential class member by January 5, 1995.
 - (1) CWDs shall maintain a record of all potential class members to whom notices were mailed.
- (b) CWDs that do not have the capability to conduct a computerized search may choose to perform a manual case file search to identify GAIN participants who are potential class members and mail a TEMP GAIN 86 (Informing Notice) to each potential class member by January 5, 1995.
 - (1) CWDs shall maintain a record of all potential class members to whom notices were mailed.

(c) CWDs that do not have the capability to conduct a computerized search and who choose not to conduct a manual search shall send a TEMP GAIN 86 (Informing Notice) to all current AFDC recipients, via a CA 7 stuffer, by January 5, 1995.

.333 Place TEMP GAIN 89 (Informing Poster) in conspicuous locations in all welfare offices, GAIN offices and Food Stamp issuance offices the first day of the claim period.

(a) The TEMP GAIN 89 (Informing Poster) shall be displayed from January 15, 1995 until close of business April 14, 1995.

(b) On the TEMP GAIN 89 (Informing Poster), CWDs shall specify the county office address and telephone number that potential claimants are to contact or call to obtain a TEMP GAIN 87 (Claim Form).

.334 Reproduce an adequate supply of the TEMP GAIN 87 (Claim Form) in English and the five standard languages.

.335 Mail a TEMP GAIN 87 (Claim Form) within five working days following a request by anyone who calls the phone number specified on the TEMP GAIN 86 (Informing Notice) and TEMP GAIN 89 (Informing Poster).

.336 Give a TEMP GAIN 87 (Claim Form), immediately upon request during normal business hours, to anyone who goes to the office specified on the TEMP GAIN 86 (Informing Notice) and TEMP GAIN 89 (Informing Poster) and requests a claim form.

(a) CWDs shall maintain an adequate supply of the TEMP GAIN 87 (Claim Form) on hand for distribution to potential claimants.

.337 CWDs shall specify on the TEMP GAIN 87 (Claim Form) the address where claimants are to return the completed claim form.

.4 Application for Corrective Underpayment.

.41 Claimants' Responsibilities. Claimants shall:

.411 Complete and sign under the penalty of perjury a TEMP GAIN 87 (Claim Form).

.412 Submit the TEMP GAIN 87 (Claim Form) on or before the end of the claim period to the responsible CWD.

(a) If mailed, the postmark must be no later than April 14, 1995.

- (b) During the claim period, claimants shall be permitted to resubmit a claim that was previously denied due to being incomplete when the claimant did not submit the necessary information within 30 days, as specified in Section 50-025.541.
- .413 Submit a completed TEMP GAIN 87 (Claim Form) to each responsible CWD, if there was more than one responsible CWD.
- .414 Provide necessary additional information, documentation or clarification upon request from a CWD.
- .42 CWDs' Responsibilities. CWDs shall:
 - .421 Stamp the TEMP GAIN 87 (Claim Form) with the date received by the CWD.
 - (a) If the date of receipt cannot be determined by a date stamp, the date of receipt shall be the date the claimant signed the TEMP GAIN 87 (Claim Form).
 - .422 Notwithstanding the date specified in Section 50-025.421, process all claim forms postmarked on or before April 14, 1995.
 - (a) If the TEMP GAIN 87 (Claim Form) is postmarked after April 14, 1995, issue NOA M50-025D (Deny Claim) within 30 days following receipt of the claim.
 - (b) The CWD shall retain envelopes postmarked after April 14, 1995.
 - .423 Retain all records which contain documents relevant to the CCWRO lawsuit for three years from the date CDSS submits the last expenditure report for federal reimbursement.
 - (a) Documents included are those used to determine eligibility for the class (including denials) and those used to determine the amount of corrective underpayments; including case records, payment records, assistance claims, reimbursement claims, claim verification and any other documents related to this lawsuit.
 - .424 Determine the Responsible CWD.
 - (a) If the CWD receiving the TEMP GAIN 87 (Claim Form) determines that it is the responsible CWD, the CWD shall process the claim form in accordance with Section 50-025.5.
 - (1) "Responsible CWD" is defined in Section 50-025.2r.(1).

- (b) If the CWD receiving the TEMP GAIN 87 (Claim Form) determines that it is not the responsible CWD, the receiving CWD shall issue NOA M50-025D (Deny Claim) and forward the TEMP GAIN 87 (Claim Form) to the responsible CWD within 30 days from the date the claim was received.
 - (1) The receiving CWD shall inform the claimant on NOA M50-025D (Deny Claim) that the TEMP GAIN 87 (Claim Form) has been forwarded to the responsible CWD for processing.
 - (2) The responsible CWD shall process the claim form in accordance with Section 50-025.5.
 - (A) Notwithstanding Section 50-025.422, responsible CWDs shall process all claims that are forwarded from a receiving CWD, regardless of whether the responsible CWD receives the claim from the receiving CWD by the end of the claim period.
 - (3) If the responsible CWD cannot be determined, the receiving CWD shall issue NOA M50-025D (Deny Claim) within 30 days following receipt of the claim.
 - (A) The CWD shall indicate on the NOA that the claimant must file his/her claim with the responsible CWD.

.5 Processing Claim Forms.

- .51 The responsible CWD shall review each TEMP GAIN 87 (Claim Form) for completeness. The TEMP GAIN 87 (Claim Form) shall be considered complete when the following information is given:
 - .511 Answers to the qualifying class member questions on the TEMP GAIN 87 (Claim Form).
 - .512 Claimant's case name(s) used during retroactive period.
 - .513 Claimant's date of birth.
 - .514 Claimant's social security number.
 - .515 Claimant's current mailing address.
 - .516 County or counties of residence during retroactive period.
 - .517 Claimant's signature.

- .518 The following information shall be provided by the claimant on the TEMP GAIN 87 (Claim Form) to the extent possible:
- (a) The AFDC or GAIN case number.
 - (b) Phone number.
 - (c) Date(s) for which the claim is being filed.
- .52 If the claim is complete, as specified in Section 50-025.51, and the claimant meets the definition of class member specified in Section 50-025.2(c)(2), the responsible CWD shall complete processing the claim within 90 days after receipt of the claim.
- .521 If the information on the claim form and in the case file is sufficient, the CWD shall calculate the corrective underpayment, in accordance with Section 50-025.6, and issue a check with NOA M50-025A (Approve Claim) within 45 days after the date payment is authorized.
- (a) CWDs shall indicate on the NOA when the check will be issued if unable to issue the check for the corrective underpayment with the NOA.
- .522 In the absence of evidence to the contrary, the CWD shall accept self-certification from the claimant, signed under the penalty of perjury, to satisfy documentary requirements in the event such documentation is not available.
- .523 The CWD shall verify documentation whenever authenticity is in doubt.
- .53 If the claimant is NOT a class member, the CWD shall issue NOA M50-025D (Deny Claim) within 90 days after the claim was received.
- .531 The CWD shall preprint the GAIN 50 (6/92) Your GAIN Hearing Rights to the back of the NOA or attach a copy of the GAIN 50 to the NOA.
- .54 If additional information is needed, the CWD shall issue NOA M50-025B (Request Claim Information) within 30 days after receipt of the claim.
- .541 The CWD shall indicate on the NOA that claimants have 30 days from the date of the NOA to respond to the request for additional information.
 - .542 The CWD shall complete processing a claim within 90 days after receiving the additional information.
 - .543 If the claimant meets the definition of a class member specified in Section 50-025.2c.(2), the CWD shall issue the corrective underpayment in accordance with the procedures specified in Section 50-025.521.

- .544 The CWD shall issue NOA M50-025D (Deny Claim) if the information does not establish the claimant as a class member.
- .545 The CWD shall issue NOA M50-025D (Deny Claim) if the claimant does not respond within the time specified in Section 50-025.541
- .55 For the purpose of determining continued eligibility and the amount of assistance for the AFDC Program, CWDs shall not consider a corrective underpayment as income or as a resource in the month paid or in the following month.
- .56 For the Food Stamp Program, a retroactive corrective underpayment shall be excluded as income for all Food Stamp households and excluded as a resource for categorically eligible Food Stamp households as long as they remain eligible for AFDC.
- .6 Computation of Corrective Underpayments.
- .61 There is no minimum amount a class member may receive as a corrective underpayment.
- .62 The claimant shall not be entitled to corrective underpayment for any portion of the sanction amount which was previously repaid under another lawsuit.
- .63 CWDs shall determine the length of the sanction period for which a class member, as defined in Section 50-025.2(c)(2), shall be entitled to recover withheld cash aid.
- .631 For sanctions applied before July 1, 1989, CWDs shall consider the end of the sanction period for which a class member shall be entitled to recover cash aid to be:
- (a) For a first financial sanction, the end of the three-month sanction period.
 - (b) For a second or subsequent financial sanction, the end of the six-month sanction period.
- .632 For sanctions applied on or after July 1, 1989, CWDs shall consider the end of the sanction period for which a class member shall be entitled to recover cash aid to be:
- (a) For a sanction resulting from a first instance of noncompliance without good cause, the date the sanction was cured, as specified in Section 42-786.22, or the end of the month following application of the sanction, whichever comes first.
 - (b) For a sanction resulting from a second instance of noncompliance without good cause, the end of the three-month sanction period specified in Section 42-786.23.

- (c) For a sanction resulting from a third or subsequent instance of noncompliance without good cause, the end of the six-month sanction period specified in Section 42-786.24.
- .64 CWDs shall balance the corrective underpayment against an outstanding overpayment as follows:
- .641 The corrective underpayment shall be balanced with an AFDC overpayment as specified in Section 44-340.42.
 - .642 The CWDs shall attempt to obtain a written agreement of the class member to balance a GAIN supportive services overpayment with the corrective underpayment.
 - (a) If the class member does not agree to balance the corrective underpayment with his/her GAIN supportive services overpayment, the CWD shall issue the corrective underpayment to the class member in full.
- .65 CWDs shall pay interest to those class members who are no longer on AFDC at the time of payment. To pay interest, CWDs shall:
- .651 Begin interest in the month subsequent to the end of the sanction period, as determined in Section 50-025.63.
 - .652 Determine the month in which the payment is authorized.
 - .653 To determine the appropriate interest amount and corrective underpayment:
 - (a) Determine the Initial Interest Month (the month following the end of the sanction period);
 - (b) Determine the Payment Authorization Month (the month the corrective underpayment will be authorized);
 - (c) Determine the interest percentage factor on the "Interest Chart for CCWRO Corrective Underpayment" where the dates from (a) and (b) meet;
 - (d) Multiply the amount of cash aid withheld during the sanction period by the interest percentage factor; and
 - (e) Add the cash aid withheld to the interest to be paid to determine the corrective underpayment.

HANDBOOK BEGINS HERE

- .654 EXAMPLE: A CWD determines that a class member who is no longer on aid was sanctioned from September 1, 1987 to November 30, 1987 at \$200.00 per month. Total cash aid withheld was \$600.00.

To Calculate the Corrective Underpayment:

- (a) Initial Interest Month - December 1987
 (b) Payment Month- January 1995

| | | |
|-----|----------------------------|------------------|
| | Total Cash Aid Withheld | \$600.00 |
| (c) | Interest Percentage Factor | X .5266 |
| (d) | Interest To Be Paid | <u>+\$315.96</u> |
| (e) | Corrective Underpayment | \$915.96 |

.655 Interest Chart for CCWRO Corrective Underpayments

| Initial Interest Month | Payment Authorization Month | | | | | |
|------------------------------|-----------------------------|---------------|---------------|---------------|---------------|---------------|
| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
| Jul-85 | .6958 | .7042 | .7125 | .7208 | .7292 | .7375 |
| Aug-85 | .6900 | .6984 | .7067 | .7150 | .7234 | .7317 |
| Sep-85 | .6841 | .6925 | .7008 | .7091 | .7175 | .7258 |
| Oct-85 | .6783 | .6867 | .6950 | .7033 | .7117 | .7200 |
| Nov-85 | .6725 | .6809 | .6892 | .6975 | .7059 | .7142 |
| Dec-85 | .6666 | .6750 | .6833 | .6916 | .7000 | .7083 |
| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
| Jan-86 | .6608 | .6692 | .6775 | .6858 | .6942 | .7025 |
| Feb-86 | .6550 | .6634 | .6717 | .6800 | .6884 | .6967 |
| Mar-86 | .6491 | .6575 | .6658 | .6741 | .6825 | .6908 |
| Apr-86 | .6433 | .6517 | .6600 | .6683 | .6767 | .6850 |
| May-86 | .6375 | .6459 | .6542 | .6625 | .6709 | .6792 |
| Jun-86 | .6316 | .6400 | .6483 | .6566 | .6650 | .6733 |
| Jul-86 | .6258 | .6342 | .6425 | .6508 | .6592 | .6675 |
| Aug-86 | .6200 | .6284 | .6367 | .6450 | .6534 | .6617 |
| Sep-86 | .6141 | .6225 | .6308 | .6391 | .6475 | .6558 |

| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|
| Oct-86 | .6083 | .6167 | .6250 | .6333 | .6417 | .6500 |
| Nov-86 | .6025 | .6109 | .6192 | .6275 | .6359 | .6442 |
| Dec-86 | .5966 | .6050 | .6133 | .6216 | .6300 | .6383 |
| Jan-87 | .5908 | .5992 | .6075 | .6158 | .6242 | .6325 |
| Feb-87 | .5850 | .5934 | .6017 | .6100 | .6184 | .6267 |
| Mar-87 | .5791 | .5875 | .5958 | .6041 | .6125 | .6208 |
| Apr-87 | .5733 | .5817 | .5900 | .5983 | .6067 | .6150 |
| May-87 | .5675 | .5759 | .5842 | .5925 | .6009 | .6092 |
| Jun-87 | .5616 | .5700 | .5783 | .5866 | .5950 | .6033 |
| Jul-87 | .5558 | .5642 | .5725 | .5808 | .5892 | .5975 |
| Aug-87 | .5500 | .5584 | .5667 | .5750 | .5834 | .5917 |
| Sep-87 | .5441 | .5525 | .5608 | .5691 | .5775 | .5858 |
| Oct-87 | .5383 | .5467 | .5550 | .5633 | .5717 | .5800 |
| Nov-87 | .5325 | .5409 | .5492 | .5575 | .5659 | .5742 |
| Dec-87 | .5266 | .5350 | .5433 | .5516 | .5600 | .5683 |

| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|
| Jan-88 | .5208 | .5292 | .5375 | .5458 | .5542 | .5625 |
| Feb-88 | .5150 | .5234 | .5317 | .5400 | .5484 | .5567 |
| Mar-88 | .5091 | .5175 | .5258 | .5341 | .5425 | .5508 |
| Apr-88 | .5033 | .5117 | .5200 | .5283 | .5367 | .5450 |
| May-88 | .4975 | .5059 | .5142 | .5225 | .5309 | .5392 |
| Jun-88 | .4916 | .5000 | .5083 | .5166 | .5250 | .5333 |
| Jul-88 | .4858 | .4942 | .5025 | .5108 | .5192 | .5275 |
| Aug-88 | .4800 | .4884 | .4967 | .5050 | .5134 | .5217 |
| Sep-88 | .4741 | .4825 | .4908 | .4991 | .5075 | .5158 |

| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|
| Oct-88 | .4683 | .4767 | .4850 | .4933 | .5017 | .5100 |
| Nov-88 | .4625 | .4709 | .4792 | .4875 | .4959 | .5042 |
| Dec-88 | .4566 | .4650 | .4733 | .4816 | .4900 | .4983 |
| Jan-89 | .4508 | .4592 | .4675 | .4758 | .4842 | .4925 |
| Feb-89 | .4450 | .4534 | .4617 | .4700 | .4784 | .4867 |
| Mar-89 | .4391 | .4475 | .4558 | .4641 | .4725 | .4808 |
| Apr-89 | .4333 | .4417 | .4500 | .4583 | .4667 | .4750 |
| May-89 | .4275 | .4359 | .4442 | .4525 | .4609 | .4692 |
| Jun-89 | .4216 | .4300 | .4383 | .4466 | .4550 | .4633 |
| Jul-89 | .4158 | .4242 | .4325 | .4408 | .4492 | .4575 |
| Aug-89 | .4100 | .4184 | .4267 | .4350 | .4434 | .4517 |
| Sep-89 | .4041 | .4125 | .4208 | .4291 | .4375 | .4458 |
| Oct-89 | .3983 | .4067 | .4150 | .4233 | .4317 | .4400 |
| Nov-89 | .3925 | .4009 | .4092 | .4175 | .4259 | .4342 |
| Dec-89 | .3866 | .3950 | .4033 | .4116 | .4200 | .4283 |

| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|
| Jan-90 | .3808 | .3892 | .3975 | .4058 | .4142 | .4225 |
| Feb-90 | .3750 | .3834 | .3917 | .4000 | .4084 | .4167 |
| Mar-90 | .3691 | .3775 | .3858 | .3941 | .4025 | .4108 |
| Apr-90 | .3633 | .3717 | .3800 | .3883 | .3967 | .4050 |
| May-90 | .3575 | .3659 | .3742 | .3825 | .3909 | .3992 |
| Jun-90 | .3516 | .3600 | .3683 | .3766 | .3850 | .3933 |
| Jul-90 | .3458 | .3542 | .3625 | .3708 | .3792 | .3875 |
| Aug-90 | .3400 | .3484 | .3567 | .3650 | .3734 | .3817 |
| Sep-90 | .3341 | .3425 | .3508 | .3591 | .3675 | .3758 |

| | <u>Jan-95</u> | <u>Feb-95</u> | <u>Mar-95</u> | <u>Apr-95</u> | <u>May-95</u> | <u>Jun-95</u> |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|
| Oct-90 | .3283 | .3367 | .3450 | .3533 | .3617 | .3700 |
| Nov-90 | .3225 | .3309 | .3392 | .3475 | .3559 | .3642 |
| Dec-90 | .3166 | .3250 | .3333 | .3416 | .3500 | .3583 |
| Jan-91 | .3108 | .3192 | .3275 | .3358 | .3442 | .3525 |
| Feb-91 | .3050 | .3134 | .3217 | .3300 | .3384 | .3467 |
| Mar-91 | .2991 | .3075 | .3158 | .3241 | .3325 | .3408 |
| Apr-91 | .2933 | .3017 | .3100 | .3183 | .3267 | .3350 |
| May-91 | .2875 | .2959 | .3042 | .3125 | .3209 | .3292 |
| Jun-91 | .2816 | .2900 | .2983 | .3066 | .3150 | .3233 |

HANDBOOK ENDS HERE

.66 Class members shall not be entitled to more corrective underpayment than the amount of cash aid withheld during the sanction period, as specified in this section, plus interest, as determined in Section 50-025.65.

.7 Statistical Reports.

.71 CWDs shall submit the GEN 1172 (5/93) Court Case: CCWRO v. Anderson no later than July 14, 1995 to the CDSS Statistical Services Bureau.

.72 CWDs shall report on the disposition of all claims received during the claim period, from January 14, 1995 through April 14, 1995.

.73 The report shall include:

.731 The total number of:

- (a) TEMP GAIN 87s (Claim Form) mailed by CWD.
- (b) TEMP GAIN 87s (Claim Form) handed out by CWD.
- (c) TEMP GAIN 87s (Claim Form) received by CWD.
- (d) Claims approved.
- (e) Claims denied. CWDs shall include the number of claims denied for each of the following reasons:

- (1) Untimely. Includes claim forms received after claim period.
- (2) Not a class member.
- (3) Claim sent to wrong CWD and receiving CWD was not able to determine the responsible CWD to which the TEMP GAIN 87 (Claim Form) should be forwarded.
- (4) Claim sent to wrong CWD and receiving CWD forwarded to responsible CWD.
- (5) Incomplete. Includes claims that are not complete, as specified in Section 50-025.51, and there is no forwarding address to obtain the additional information needed; and incomplete claims for which additional information was requested but not received before the deadline specified on the notice.
- (6) Other.

.732 Total amount of corrective underpayments paid (including interest).

.733 Total amount of overpayments offset with corrective underpayments.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: CCWRO v. Anderson, Sacramento County Superior Court, Case No. 512491.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| | Z94-1220-03 | 95-0505-11C | 95-0104-03E | 94-1220-03E |

For use by Office of Administrative Law (OAL) only

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

JUN 19 1995

REGULATIONS

FILED
In the office of the Secretary of State
of the State of California

JUN 19 1995

4:26 P.M.
JONES, Secretary of State

Callertalomic

NOTICE

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|---|--|--|--|---------------------------------------|--|
| 1. TOPIC OF NOTICE AFDC-IPV Regulations | | TITLE(S) | | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified | | <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 94-1220-03E | |
| | | | | PUBLICATION DATE 12-30-94 | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|--|
| TITLE(S) | ADOPT |
| MPP | 22-215, 22-301, 22-305, 22-310, 22-315, 22-320, 22-325, 22-330, 22-335, 22-340, and 22-345 |
| SECTIONS AFFECTED | AMEND |
| | 22-003, 22-201, 22-202, and 22-210 |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

April 6, 1995 to April 21, 1995 See Attached

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Frank Vitulli, Chief, Office of Regulations Development

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

MAY - 5 1995

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

3. April 6, 1995 to April 21, 1995 Renotice

Sections Amended

22-201.5(a) (3)

22-202

22-210.1

22-215.21 and .3

22-301

22-305.5(b)

22-315

22-320.2 et seq. and .3 et seq.

22-325

22-330.1 and .4

22-335.2 and .3

22-350.6

.1 (Continued)

- .11 There is no right to a state hearing regarding a Food Stamp or AFDC administrative disqualification, unless the issue is the CWD's method of implementing a Food Stamp or AFDC administrative disqualification hearing decision. (See Division 22, Chapters 22-200 and 22-300, Division 20, Chapter 20-300, and Division 63, Section 63-805.)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10613, 11209, and 11511(a), Welfare and Institutions Code; and 45 CFR 235.112(c)(2) and 45 CFR 255.4(j)(1) and 256.4(b).

Amend Section 22-201.5(a)(3) to read:

22-201 GENERAL PROVISIONS

22-201

- .1 An administrative disqualification hearing (ADH) at the state level shall be initiated when a CWD informs the Administrative Adjudications Division (AAD) of the California Department of Social Services (CDSS) that clear and convincing documentary evidence in the CWD's possession indicates that an administrative disqualification is appropriate.
 - .11 The Department shall then assume responsibility for the overall administration of the disqualification hearing process and the conduct of each hearing at the state level.
- .2 An ADH at the local level shall be initiated when a CWD informs the CWD-designated unit responsible for scheduling and conducting an ADH that clear and convincing documentary evidence in the CWD's possession indicates that an administrative disqualification is appropriate.
 - .21 The CWD shall assume responsibility for the overall administration of the disqualification hearing process and the conduct of each hearing at the local level.
- .3 (Continued)
 - .31 (Continued)
 - .32 (Continued)
 - .33 (Continued)
- .4 (Continued)
 - .41 (Continued)
 - .411 Administrative Disqualification Decision - Means the written decision issued by the Administrative Law Judge (ALJ) after an administrative disqualification hearing at the state level and by the CWD-designated hearing official after a local level hearing.
 - .412 Notice of Hearing - Means the written notification which initiates an administrative disqualification hearing (see Section 22-202.3) and is provided as follows:
 - (a) At the state level, CDSS shall provide written notification to the respondent and the CWD and
 - (b) At the local level, the CWD shall provide written notification to the respondent and the CWD-designated unit responsible for presenting the case at the local level hearing.
 - .413 (Continued)

...

.5 Procedures Governing State Hearings Also Applicable to Administrative Disqualification Hearings

(a) The following provisions of Chapter 22-000 shall be applicable to administrative disqualification hearings: (Continued)

(3) Section 22-023.1~~2~~3 relating to assignment of county representatives; (Continued)

(7) Section 22-049 relating to general rules and procedures at the hearing, excluding .11; (Continued)

(11) (Continued)

(12) (Continued)

(13) (Continued)

.6 Both the CWD's representative and the claimant's representative shall have the right to designate another person to be present and advise the representative throughout the hearing. This individual may be a witness who testifies on behalf of the county or claimant and in this circumstance, Section 22-049.12 would not apply. If this individual is a witness, then he/she may not be present as an adviser until after he/she has testified.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(e) (10) (i).

Amend Section 22-202 to read:

22-202 NOTICE OF ADMINISTRATIVE DISQUALIFICATION HEARING (Continued)

22-202

.1 (Continued)

.11 Notify the Chief Administrative Law Judge in writing; and, (Continued)

.2 The request for a state or local level hearing shall be reviewed and signed by a county supervisory employee to ensure that clear and convincing evidence exists for an IPV hearing request.

.73 CDSS shall monitor that the requests sent pursuant to Sections 22-201.1 and .2 are appropriate for IPV consideration in that they represent cases in which clear and convincing evidence has been identified to warrant the scheduling of such hearing.

.731 Upon receipt of the ~~notification~~ request described in Section 22-201.1 or .2, the Department or the CWD shall schedule an administrative disqualification hearing.

.74 Waiver of Right to an Administrative Disqualification Hearing

.741 A waiver request form shall be sent with the Notice required by Section 22-202.45 to the respondent. This waiver request form shall be a written notification which informs respondent of the possibility of waiving the ADH. This waiver request form shall include:

(a) The information that the respondent has 20 days from the date of the notice to submit the signed waiver form to the Department in the case of a state level hearing or to the CWD in the case of a local level hearing. If the respondent fails to sign and return the waiver request to the Department within 20 days from the date of the notice, the ADH shall be held as scheduled. (Continued)

(1) A statement in bold print that says, "DO NOT SIGN THIS IF YOU DO NOT KNOW WHAT IT MEANS!."

.742 If the respondent voluntarily and knowingly submits a signed waiver of his/her right to an ADH within the 20-day period to the Department in a state level hearing, or to the CWD in a local level hearing, the Department in a state level hearing, or the CWD in a local level hearing, shall submit a signed copy of the waiver to the CWD and shall notify the CWD to initiate the notification of disqualification action and imposition of disqualification penalties in accordance with CDSS' Manual of Policies and Procedures, Division 20, Sections 20-300.24, .3, and .4.

.743 (Continued)

.~~7~~44 The CWD ~~may~~ shall inform the respondent by written notice that a request for a state/local level ADH has been filed by the CWD and that he/she may waive the right to an ADH through a pre-hearing waiver process.

.~~7~~441 The written notice shall be provided in person or by mail pursuant to Section 22-202.~~4~~511 et seq., except Section 22-202.~~4~~511(a).

(a) The notice ~~may~~ shall contain a request for the respondent to contact a specified representative of the CWD to set a meeting date, time, and location.

.~~7~~442 The waiver shall be as described in Section 22-202.~~7~~4.

(a) The notice shall contain language that allows the respondent to rescind the waiver if, after signing the waiver the respondent changes his/her mind and it is within the 20-day period for returning the waiver to the Department or the CWD in accordance with Section 22-202.41(a).

.443 The CWD shall not use threats, coercion, or the promise of leniency with respect to criminal prosecution in obtaining the respondent's signature on a waiver.

.~~4~~5 (Continued)

.~~4~~51 (Continued)

.~~4~~511 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(e) and (f).

Amend Section 22-210.1 to read:

22-210 HEARING PROCEDURE (Continued)

22-210

- .1 ~~The hearing~~ Local level and state level IPV ADHs shall be conducted pursuant to the applicable provisions of Chapter 22-000. (Continued)
- .12 The hearing shall be conducted by an impartial ALJ at the state level, or an impartial hearing official at the local level who has not had previous involvement in the case.
- .13 The ALJ and local level hearing officials shall prepare fair, impartial, and independent decisions.

HANDBOOK BEGINS HERE

- .124 See Section 22-330 for instances when a Food Stamp ADH can be combined with an AFDC ADH.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16.

Amend Sections 22-215.21 and .3 to read:

22-215 LOCAL LEVEL HEARINGS

22-215

- .1 Subject to CDSS approval of a county's ADH plan, counties may choose to provide ADHs at the local level with a right to appeal to a state level de novo hearing.
- .2 If a local level disqualification hearing determines that a household member committed an IPV, the notification of hearing decision specified in Section 22-220.2 shall also inform the household member:
 - .21 Of the right to appeal the local level decision within 125 days after the ~~receipt of~~ date the notice has been sent to the respondent by the county (see Section 22-340.6);
 - .22 Of the date the disqualification shall take effect unless a state level hearing is requested; and
 - .23 That benefits shall be continued pending a state level de novo hearing if the household is otherwise eligible.
- .3 If the household member appeals the local level decision, the advance notice of the state level hearing, as specified in Section 22-202 shall be ~~provided~~ mailed to the respondent at least 105 days in advance prior to the date of the scheduled state level hearing and shall also inform the household member that the local hearing decision shall be upheld if the household or its representative fails to appear without good cause for the hearing.
- .4 The local level hearing decision shall be made within 90 days from the date of the notice scheduling the hearing.
- .5 When a local level decision is appealed, CDSS shall conduct the state level hearing, arrive at a decision, and notify the household member and local agency of the decision within 60 days of the date the household member appealed its case.
 - .51 The local level decision shall not be taken into consideration by the state ALJ in making the final determination.
- .6 In all other respects, local level disqualification hearings shall be handled in accordance with the procedures specified in this chapter for state level hearings.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(e)(10)(i).

Amend Section 22-301 to read:

CHAPTER 22-300 AFDC ADMINISTRATIVE DISQUALIFICATION HEARINGS - GENERAL

22-301 ADMINISTRATIVE DISQUALIFICATION HEARINGS (ADHs) - GENERAL

22-301

- .1 The regulations in this chapter shall apply to hearings resulting from a county welfare department's (CWD's) determination, supported by documentation in the CWD's possession, that an individual has allegedly committed an intentional program violation (IPV) in the AFDC program as set forth in the California Department of Social Services (CDSS) Manual of Policies and Procedures, Division 20, Chapter 20-350.
- .2 Administrative disqualification hearings are distinct from the state hearings discussed in Chapter 22-000.
- .3 Those cases in which the prosecuting authority has determined (a) that facts do not warrant prosecution, or (b) those cases previously referred for prosecution and declined, shall be returned to the CWD and the CWD shall initiate referral action for an ADH through CDSS, in accordance with CDSS Manual of Policies and Procedures, Division 22.
- .4 The CWD shall not initiate an ADH against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of the appropriate jurisdiction, if the factual issues of the case arise out of the same or related circumstances.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(a)(1) and 45 CFR 235.112(a).

Amend Section 22-305.5(b) to read:

22-305 GENERAL PROVISIONS

22-305

- .1 An ADH at the state level shall be initiated when a CWD informs the Department that sufficient evidence in the CWD's possession indicates that an administrative disqualification is appropriate.
 - .11 The Department shall then assume responsibility for the overall administration of the disqualification hearing process and the conduct of each hearing at the state level.
- .2 An ADH at the local level shall be initiated when a CWD informs the CWD-designated unit responsible for scheduling and conducting an ADH that clear and convincing evidence in the CWD's possession indicates that an administrative disqualification is appropriate.
 - .21 The CWD shall assume responsibility for the overall administration of the disqualification hearing process and the conduct of each hearing at the local level.
- .3 In both state and local level hearings, the CWD shall remain responsible for:
 - .31 Investigating the case and assisting the respondent prior to the hearing;
 - .32 Presenting the CWD's position during the hearing; and
 - .33 Complying with the hearing decision.
- .4 Definitions

The definitions in Section 22-001 shall apply unless they are specifically provided for in this chapter. The following additional definitions, in alphabetical order, shall apply wherever the terms are used in this chapter:

 - .41 Administrative Disqualification Decision - Means the written decision issued by the Administrative Law Judge (ALJ) after an ADH at the state level and by the CWD-designated hearing official after a local level hearing.
 - .42 Intentional Program Violation (IPV) - Means an action by an individual, for the purpose of establishing or maintaining the family's eligibility for AFDC or for increasing or preventing a reduction in the amount of the grant, which is intentionally:
 - .421 A false or misleading statement or misrepresentation, concealment, or withholding of facts, or
 - .422 Any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

HANDBOOK BEGINS HERE

- (a) To determine what constitutes an IPV, CDSS recognizes a distinction in the following:

- (1) Intentional concealment or willful misrepresentation which may result in an IPV.

EXAMPLE: In completing the Monthly Eligibility Reports (CA 7), respondent checks the box indicating family has no income. Respondent also checks box indicating that no one had started employment that month. County evidence indicates respondent 'did start work during the month it was reported that no one had started work. Respondent also did receive earnings in each of the months under review.

- (2) Incorrect representation, negligence, or omissions because of a mistake or a lack of understanding of eligibility requirements which do not result in an IPV.

EXAMPLE: Respondent reports that he/she began employment the last week of the reporting month, and that he/she will be paid every two weeks. Respondent completes the next CA 7 and checks the "No" box for income received in the month.

- (3) The CWD's omission, neglect, or error in explaining requirements for assistance or in processing information, which does not result in an IPV.

EXAMPLE: Respondent completes CA 7 without answering question relating to household's receipt of income during the month. Respondent does this for five months and CWD fails to return the CA 7 as incomplete. Evidence establishes respondent had income in each of these months.

HANDBOOK ENDS HERE

- .43 Notice of Hearing - Means the written notification, as specified in Section 22-315.5, which initiates an ADH and is provided as follows:
- .431 At the state level, CDSS shall provide written notification to the respondent and the CWD and
- .432 At the local level, the CWD shall provide written notification to the respondent and the CWD-designated unit responsible for presenting the case at the local level hearing.

- .44 Respondent - Means the member(s) of the assistance unit (AU) who the CWD has determined may be subject to administrative disqualification. To the extent that the provisions of Chapter 22-000 relating to state hearings apply to administrative disqualification hearings, all references to "claimant" in such regulations shall be deemed to refer to "respondent" for purposes of the ADH.
- .45 Sufficient Evidence - Means the documentary and other evidence in the CWD's possession that the CWD determines may establish that the respondent has committed an IPV based on a preponderance of evidence as the standard of proof.
- .5 The following provisions of Chapter 22-000, State Hearings - General, shall be applicable to ADHs:
- (a) Section 22-002 relating to determination of time limit;
 - (b) Section 22-010 relating to ~~assignment~~ of authorized representatives;
 - (c) Section 22-023.13 relating to assignment of county representatives;
 - (d) Sections 22-023.2 and .3 relating to duties of county representatives prior to and at the hearing;
 - (e) Section 22-027 relating to situations where the hearing is held in a county other than the responsible county;
 - (f) Sections 22-045.1 and .2 relating to the time and place of the hearing;
 - (g) Section 22-049 relating to general rules and procedures at the hearing, excluding .11;
 - (h) Section 22-050 relating to evidence;
 - (i) Section 22-051 relating to the examination of records and issuance of subpoenas;
 - (j) Section 22-052 relating to witness fees and mileage;
 - (k) Section 22-053.2 relating to continuances for additional evidence;
 - (l) Section 22-055 relating to disqualification of ALJs;
 - (m) Section 22-059 relating to communications after the hearing.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.112(b) and 45 CFR 235.113(b)(2).

22-310 REQUIREMENT FOR NOTICES OF PENALTIES FOR IPV'S

22-310

The CWD shall provide all applicants with a written notice of the disqualification penalties for IPV's under this section at the time of the application. Respondents who are recipients on the date of approval of the State Plan amendment implementing this optional program must be provided a written notice no later than the next redetermination for AFDC eligibility.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.112(d) and 45 CFR 235.113(b)(3).

Amend Section 22-315 to read:

22-315 NOTICE OF ADMINISTRATIVE DISQUALIFICATION HEARING

22-315

- .1 When the CWD determines, based on sufficient evidence, that a respondent is subject to disqualification from the AFDC program because of a suspected IPV and determines the respondent should be disqualified in accordance with Chapter 20-300, the CWD shall send the completed request for hearing to:
 - .11 The Administrative Adjudications Division of CDSS for the scheduling of an ADH at the state level; or
 - .12 The CWD-designated unit for the scheduling of an ADH at the local level.
- .2 The request specified in Section 22-315.1 shall set forth the charges against the respondent, contain a summary of the evidence, and identify the specific disqualification period believed to be appropriate.
 - .21 The notification shall be reviewed and signed by a county supervisory employee to ensure that sufficient evidence exists for an IPV hearing request.
- .3 CDSS shall monitor that the requests sent pursuant to Section 22-315.1 are appropriate for IPV consideration in that they represent cases in which sufficient evidence has been identified to warrant the scheduling of such hearings.
- .4 The ALJ in the state level hearing, or the hearing official in the local level hearing, shall base the determination of an IPV on the preponderance of evidence that is in the hearing record.
- .5 CDSS for the state level hearing, or the CWD for the local level hearing, shall ~~provide~~ send a written notice to the respondent alleged to have committed the IPV which is received by the respondent at least 30 days prior to the date of the disqualification hearing. ~~which~~ The notice shall be either personally served or sent by first class regular mail. If no proof of receipt is obtained, evidence of nonreceipt by the household member shall be considered good cause for not appearing at the hearing. The notice shall include the following:
 - (a) The date, time and location of the hearings;
 - (b) The charge(s) against the respondent;
 - (c) A summary of the evidence, and how and where the evidence can be examined;
 - (d) A warning that the respondent's failure to appear without good cause shall result in a decision by the ALJ or hearing official based solely on the information provided by the CWD at the hearing;

- (e) A statement that the respondent may request a postponement of the hearing as specified in Section 22-325 provided that such request is made to CDSS, or CWD in the case of a local level hearing, at least 10 days in advance of the scheduled hearing;
- (f) A statement that the respondent may request a postponement within 10 days of the hearing if good cause is present;
- (fg) A statement that the respondent has 10 days from the date of the scheduled hearing to present to CDSS at the state level, or CWD in the case of a local level hearing, good cause for failure to appear in order to receive a new hearing/;
- (gh) A description of the penalties that can result from a determination that the respondent has committed an IPV and a statement of which penalty is applicable to the respondent/;
- (hi) A statement that the hearing does not preclude the county or state government from prosecuting the respondent for an IPV in a civil or criminal court action, or from collecting an overpayment;
- (ij) A listing of individuals or organizations that provide free legal representation to individuals alleged to have committed IPV's/;
- (jk) An explanation that the respondent may waive his/her right to appear at an ADH (see Section 22-320); and
- (kl) A statement of the respondent's right to remain silent concerning the charge(s) and that anything said or signed by the respondent concerning the charge(s) may be used against him/her in a court of law.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.113(b)(2), (b)(3) ~~and~~ ~~and~~ ~~and~~, and (b)(8).

Amend Sections 22-320.2 et seq. and .3 et seq. to read:

22-320 WAIVER OF THE ADMINISTRATIVE DISQUALIFICATION HEARING

22-320

- .1 The respondent shall be allowed to waive his/her right to appear at an ADH.
- .2 The respondent shall be informed by the written notice as specified in Section 22-315.5(jk) of the opportunity to waive his/her right to a hearing.
- .21 The statement that the respondent may waive the right to appear at an ADH shall include at a minimum:
 - .211 The information that the respondent has 20 days from the date of the notice to submit the signed waiver form to the Department in the case of a state level hearing, or to the CWD in the case of a local level hearing. If the respondent fails to sign and return the waiver request within such time period, the ADH shall be held as scheduled.
 - .212 A signature block for the respondent's and the ~~head of household~~ caretaker relative's signature.
 - (a) A statement that the ~~head of household~~ caretaker relative must sign if the respondent is not the ~~head of the household~~ caretaker relative.
 - .213 A statement of the respondent's right to remain silent concerning the charge(s) and that anything said or signed by the respondent concerning the charge(s) may be used against him or her in a court of law;
 - .214 A statement of the fact that waiver of the respondent's right to appear at a disqualification hearing ~~will~~ may result in a disqualification penalty and a reduction in the assistance payment for the appropriate period even if the respondent does not admit to the facts as presented by the CWD; and
 - .215 A statement specifying that the respondent has an opportunity to specify whether or not he/she admits to the facts as presented by the CWD.
 - .216 A statement in bold print that says, "**DO NOT SIGN THIS IF YOU DO NOT KNOW WHAT IT MEANS!.**"
- .3 The CWD ~~may~~ shall inform the respondent by written notice that a request for a state/local level ADH has been filed by the CWD and that he/she may waive the right to an ADH through a pre-hearing waiver process.
- .31 The written notice shall be provided in person or by mail pursuant to Section 22-315.5 et seq., except Section 22-315.5(a).

- .311 The notice ~~may~~ shall contain a request for the respondent to contact a specified representative of the CWD to set a meeting date, time, and location.
- .32 The waiver shall be as described in Section 22-320.21.
- .321 The notice shall contain language that allows the respondent to rescind the waiver if, after signing the waiver the respondent changes his/her mind and it is within the 20-day period for returning the waiver to the Department or the CWD in accordance with Section 22-320.211.
- .33 The CWD shall not use threats, coercion, or the promise of leniency with respect to criminal prosecution in obtaining the respondent's signature on a waiver.
- .4 When the respondent waives his/her right to appear at a disqualification hearing, the disqualification and appropriate reduction of assistance shall result regardless of whether the respondent admits or denies the charges.
- .41 CDSS, or the CWD in the case of a local level hearing, shall send a written notice informing the respondent of the period of disqualification (which shall begin no later than the first day of the second month which follows the date of notice), and the amount of payment the unit will receive during the disqualification period.
- .42 If a case has been terminated the disqualification period shall be imposed after a reapplication for AFDC assistance is approved.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(e)(10); 7 CFR 273.16(f)(1); and 45 CFR 235.113(c)(1), (2), and (3).

Amend Section 22-325 to read:

22-325 POSTPONEMENTS

22-325

- .1 An ADH at both the state and local level shall be automatically postponed at the respondent's request provided that the request for postponement is made at least 10 days in advance of the date of the scheduled disqualification hearing.
 - .11 For written requests, the letter must be postmarked at least 10 days in advance of the hearing date.
 - .12 For verbal requests, the controlling date is the date the respondent initially called and spoke with a worker to request a postponement.
- .2 Postponements shall be allowed within the 10-day period prior to the hearing date but shall be granted only on the basis of good cause being present as per Section 22-053.16.
- .23 The hearing shall not be postponed for more than a total of 30 days.
- .24 The number of postponements shall be limited to one.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.113(b)(4).

Amend Sections 22-330.1 and .4 to read:

22-330 HEARING PROCEDURES

22-330

- .1 Local level and state level IPV ADHs shall be conducted pursuant to the applicable provisions of Chapter 22-000.
 - .11 The hearing shall be conducted by an impartial ALJ at the state level, or an impartial hearing official at the local level who has not had previous involvement in the case.
 - .12 The ALJ and local level hearing officials shall prepare fair, impartial, and independent decisions.
- .2 Medical assessments shall be obtained at the expense of CDSS and made part of the record if the ALJ or hearing official considers it necessary.
- .3 The respondent or his/her representative shall have adequate opportunity to:
 - .31 Examine the contents of the case file, and all documents and records to be used at the hearing by CDSS at the state level, or the CWD at the local level, at a reasonable time before the date of the hearing, and during the hearing;
 - .32 Present the case himself/herself or with the aid of an authorized representative;
 - .33 Bring witnesses;
 - .34 Establish all pertinent facts and circumstances;
 - .35 Advance any arguments without undue influence; and
 - .36 Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
- .4 CDSS at the state level, or the CWD at the local level, shall combine an respondent's Food Stamp and AFDC ADHs into a single hearing if/
 - ~~/41~~ ~~The~~ ~~the~~ ~~factual~~ ~~issues~~ ~~arise~~ ~~out~~ ~~of~~ ~~the~~ ~~same~~ ~~or~~ ~~related~~ ~~circumstances.~~ ~~/~~
 - ~~/42~~ ~~The~~ ~~AD~~ ~~receives~~ ~~prior~~ ~~written~~ ~~notice~~ ~~that~~ ~~the~~ ~~hearings~~ ~~will~~ ~~be~~ ~~combined.~~
- .5 CDSS at the state level may consolidate a respondent's state hearing governed by 45 CFR 205.10 with a disqualification hearing based on the same or related circumstances provided that the respondent receives prior written notice of the consolidation.

.51 If the hearings are combined, CDSS shall follow the time frames for conducting ADHS.

.6 Both the CWD and the claimant shall have the right to have a representative present throughout the hearing.

.7 Both the CWD's representative and the claimant's representative as specified in Section 22-330.6 shall have the right to designate another person to be present and advise the representative throughout the hearing. This individual may be a witness who testifies on behalf of the county or claimant and, in this circumstance, Section 22-049.12 would not apply. If this individual is a witness, then he/she may not be present as an adviser until after he/she has testified.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.112(a) and 45 CFR 235.113(b)(1), (5), (6), and (7).

Amend Sections 22-335.2 and .3 to read:

22-335 LOCAL LEVEL HEARINGS

22-335

- .1 Subject to CDSS approval of a county's ADH plan, counties may choose to provide ADHs at the local level with a right to appeal to a state level de novo hearing.
- .2 If a local level disqualification hearing determines that a household member committed an IPV, the notification of hearing decision specified in Section 22-340.7 shall also inform the household member:
 - .21 Of the right to appeal the decision within 125 days after the ~~receipt~~ of date the notice has been sent to the respondent by the county (see Section 22-340.6);
 - .22 Of the date the disqualification will take effect unless a state level hearing is requested; and
 - .23 That benefits shall be continued pending a state level hearing if the household is otherwise eligible; and
 - .24 That if he/she or his/her authorized representative fails to appear without good cause for the hearing, the request for the state level de novo hearing shall be dismissed. In this situation the local level decision shall remain in effect as it has not been set aside by a later state level hearing.*
- .3 If the household member appeals the local level decision, the advance notice of the state level hearing, as specified in Section 22-315 shall be ~~provided~~ mailed to the respondent at least 105 days in advance prior to the date of the scheduled state level hearing, and shall also inform the household member that the local hearing decision shall be dismissed if the household or its representative fails to appear without good cause for the hearing.
- .4 When a local level decision is appealed, CDSS shall conduct the state level de novo hearing, arrive at a decision, and notify the household member and local agency of the decision within 60 days of the date the household member appealed its case.
 - .41 The local level decision shall not be taken into consideration by the state ALJ in making the final determination.
- .5 In all other respects, local level disqualification hearings shall be handled in accordance with the procedures specified in this chapter for state level hearings.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(e)(10)(i); 45 CFR 235.113(b), (b)(2), (b)(11), and (b)(12).

Amend Section 22-350.6 to read:

22-340 ADMINISTRATIVE DISQUALIFICATION HEARINGS - DECISIONS

22-340

- .1 Decisions made by the ALJ or hearing official shall be based exclusively on evidence and other material introduced in the hearing record.
 - .11 The transcript or recording of testimony, exhibits, or official reports introduced at the hearing, together with all papers and requests filed in the proceeding, and the decision of the ALJ or hearing official shall be made available to the respondent or to his/her representative at a reasonable time and place.
- .2 After the hearing has been closed, the ALJ or hearing official shall prepare a written decision.
- .3 Decisions by the hearing authority shall:
 - .31 In the event of a local level hearing, consist of a decision memorandum summarizing the facts and identifying the regulations supporting the decision;
 - .32 In the event of any CDSS hearing, specify the reasons for the decision and identify the supporting evidence and regulations; and
 - .33 Be made within 90 days from the date of the notice scheduling the hearing. (Sixty days from the request for a state level de novo hearing after a local level hearing decision.)
- .4 The Director or Chief Administrative Law Judge or his/her designee shall have the authority to reject the proposed decision of the ALJ and prepare a separate decision based upon the record in the case or to order an additional hearing.
- .5 A copy of the hearing decision shall be mailed to the respondent and to the CWD.
- .6 The CWD may not disqualify a respondent unless the decision of the ALJ finds that the respondent has committed an IPV or the respondent fails to request a state level de novo hearing within 125 days of the notice of an adverse local level hearing decision that proposes to disqualify the respondent has been sent to the respondent.
 - .61 The CWD is not precluded from discontinuing, terminating, suspending, or reducing assistance, or changing the manner or form of payment to a protective, vendor, or two-party payment for other reasons.

HANDBOOK BEGINS HERE

- .611 For example, the CWD may have facts which substantiate that the AU failed to report a change in circumstances even though the CWD has not yet demonstrated that the failure to report was an IPV.

HANDBOOK ENDS HERE

- .7 If the decision of the ALJ, or hearing official at the local level hearing, finds that the respondent committed an IPV, the CWD shall provide a written notice to the respondent prior to disqualification.
 - .71 The notice shall inform the respondent of the following:
 - .711 The decision and the reason for the decision;
 - .712 The period of disqualification (which shall begin no later than the first day of the second month which follows the date of notice); and
 - .713 The amount of payment the AU will receive during the disqualification period.
 - .72 In cases of a respondent's disqualification resulting from a prior receipt of assistance, the disqualification shall be postponed until after a reapplication for AFDC assistance is approved.
- .8 If the respondent does not appear at the state level or local level hearing, a reopening of the case may be requested within 10 days of the hearing by the respondent. If good cause is established, a new hearing shall be scheduled.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.113(b)(3)(ii)(F) and (b)(8) through (12).

- .1 A respondent who, on the basis of a plea of guilty or nolo contendere or otherwise, is found to have committed an IPV pursuant to this chapter by a state or local level ADH or by a state or federal court shall be treated in the following manner:
 - .11 The CWD shall not take the respondent's needs into account when determining the AU's need and amount of assistance.
 - .12 Any resources and income of the disqualified respondent shall be considered available to the AU. The respondent's needs shall not be taken into account for six months for the first occasion of any such offense, one year for a second offense, and permanently for a third offense.
- .2 Any period for which a disqualification penalty is imposed shall remain in effect without possibility of an administrative stay unless, and until, the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction; but in no event shall the duration of the period for which such penalty is imposed be subject to review.
- .3 A disqualification penalty imposed on a respondent by one Title IV-A (Social Security Act) state agency may be used in determining the appropriate disqualification penalty for the individual by another Title IV-A state agency.
 - .31 When a respondent with a prior violation(s) moves from one state to another and has been found to have committed an IPV(s), the state agency may impose the penalty based on the number of such violations committed in other states.
 - .32 A state may establish interstate agreements with other states to share appropriate information.
- .4 In cases where a disqualification penalty and other sanctions or penalties apply:
 - .41 The disqualification penalties in Section 22-345 shall be in addition to, and cannot be substituted for, any other sanctions or penalties which may be imposed by law for the same offenses; and
 - .42 The disqualification penalties imposed under this program only affect the respondent concerned and cannot substitute for other sanctions under the AFDC program (e.g., failure to participate in JOBS or to cooperate in obtaining child support).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 235.112(c)(1) through (3).

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)
ORD#0495-15

| | | | | |
|------------------|--------------------|--------------------------|---------------------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 95-0608-05E | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|---------------------------------|-----------------------------------|

For use by Office of Administrative Law (OAL) only

1995 JUN -8 PM 3:31

OFFICE OF ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
AND PUBLICATION

JUN 19 1995

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

JUN 19 1995

At 4:26 O'clock P.M.
By BILL JONES, SecretaryBy Roberta Lomica
Deputy

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|---|--|--------------------------|------------------------|-------------------------------|--|
| 1. TOPIC OF NOTICE Ratesetting for Transitional Housing Placement Programs | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|-----------------|
| TITLE(S) MPP | ADOPT 11-410 |
| SECTIONS AFFECTED | AMEND 11-400 |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank Vitulli, Chief, Office of Regulations Development

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson
TYPED NAME AND TITLE OF SIGNATORY
ELOISE ANDERSON, DIRECTOR

DATE

JUN -6 1995

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 11-400t. to read:

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- t.(3) Transitional Housing Placement Program - an independent living training program for youth as specified in Welfare and Institutions Code Section 16522.

HANDBOOK BEGINS HERE

The term transitional housing placement program is defined in Welfare and Institutions Code Sections 16522(a), (b) and (c) as follows:

"The State Department of Social Services shall develop programs in three counties upon the request of the county board of supervisors, to licensed private, nonprofit, or county operated facilities to provide transitional housing placement program services to persons at least 17 years old, and not more than 18 years old unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the County Department of Social Services or the County Probation Department, and who are participating in an independent living program. Transitional housing placement program services shall include any of the following:

- (a) Programs in which one or more participants in the program live in an apartment with an adult employee of the licensee.
- (b) Programs in which a participant lives independently in an apartment rented or leased by the licensee located in a building in which one or more adult employees of the licensee reside and provide supervision.
- (c) Programs in which a participant lives independently in an apartment rented or leased by a licensee under the supervision of the licensee if the State Department of Social Services provides approval."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11462(i) and (j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Section 1502(a)(1), Health and Safety Code, Section 3353 of the California Labor Code, Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11400(h), 11460, 11462, 11462.03, 11466.1, 11466.2, 11466.22, 11466.3, 11466.31, 11466.33, 11466.34, 11468, 11468.6, 16522(a), (b), and (c), and 18350, Welfare and Institutions Code, Assembly Bill 2129,

Chapter 1089, Statutes of 1993, Senate Bill 415, Chapter 950, Statutes of 1993; The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.

Adopt Section 11-410 to read:

11-410 TRANSITIONAL HOUSING PLACEMENT PROGRAM RATES

11-410

- .1 Participating counties shall establish a rate for transitional housing placement programs and the rates shall not exceed the aggregate placement costs for these children if they had not participated in the transitional housing placement programs in accordance with Welfare and Institutions Code Section 11460.1(a).

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11460.1(a) states the following:

"The Department shall develop a ratesetting system for licensed community care facilities participating in transitional housing placement programs, as defined by Section 16522, and as described by Section 1559.110 of the Health and Safety Code. The rates shall not exceed the aggregate placement costs for these children if they had not participated in the transitional housing placement program."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554 and 11460.1, Welfare and Institutions Code; and Health and Safety Code Section 1559.125.

Reference: Section 16522.3, Welfare and Institutions Code; and Health and Safety Code Section 1559.110.